

*The Code of Criminal Procedure, 1898.**(Part IX.—Supplementary Provisions.—Chapter XLV.—Miscellaneous.—Sections 550-555)*

& 45 Vict.
c. 58. any person is brought before a Magistrate and charged with an offence for which he is liable, under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps or detachment to which he belongs, or to the commanding officer of the nearest military station, for the purpose of being tried by Court-martial.

(2) Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

550. Police-officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

551. Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

552. (1) Whenever any person causes a police-officer to arrest another person in a presidency-town, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding fifty rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

(2) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding fifty rupees, as such Magistrate thinks fit.

(3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.

553. (1) With the previous sanction of the Governor General in Council, the High Court at Fort William, and, with the previous sanction of the Local Government, any other High Court established by Royal Charter, may, from time to time, make rules for the inspection of the records of subordinate Courts.

(2) Every High Court not established by Royal Charter may, from time to time, and with the previous sanction of the Local Government,—

- (a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;
- (b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;
- (c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and
- (d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(3) All rules made under this section shall be published in the local official Gazette.

554. Subject to the power conferred by section 553, and by section 15 of the Indian High Courts

Act, 1861, the forms set forth in the fifth schedule, with such variation as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

555. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try or commit for trial any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

EXPLANATION.—A Judge or Magistrate shall not be deemed to be a party or personally interested, within the meaning of this section, to or in any case, by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity.

Illustration.

A Magistrate who has taken cognisance of an offence under section 190 or to whom a case has been transferred by a Magistrate who has so taken cognisance of an offence is not a party or personally interested in the case merely from the fact that he has proceeded to the locality in which the offence is alleged to have been committed and has held a preliminary or informal inquiry into it.

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556. The Local Government may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts established by Royal Charter.

557. All powers conferred by this Code on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

558. The provisions of this Code shall apply, to all proceedings instituted after the commencement of this Code, and so far as may be, to all cases pending in any Criminal Court when this Code comes into force.

559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

560. (1) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

(a) take cognizance of the offence of rape where the sexual intercourse was by a man with his wife, or

(b) commit the man for trial for the offence:

(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (1), no police-officer of a rank below that of police-inspector shall be employed either to make, or to take part in, the investigation.

First Offenders.

561. (1) In any case in which a person is convicted of theft, criminal misappropriation, cheating, or any other offence punishable with not more than two years' imprisonment before any Court, and no previous conviction is proved against him, if it appears to the Court before whom he is so convicted that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence, and to any extenuating

circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

(2) The Court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as may be directed by the Court.

EXPLANATION.—For the purposes of this section the term "Court" shall mean a High Court, Court of Session, District Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government.

562. (1) If a Court having power to deal with the offender in respect of his original offence is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the Court having power to sentence him, be brought before a Magistrate, and that Court or Magistrate may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a Court having power to deal with his original offence, or may admit him to bail with a sufficient surety conditioned on his appearing for judgment.

(3) The offender, when so remanded, may be committed to a prison, either for the place in or for which the Court remanding him acts, or for the place where he is bound to appear for judgment, and the warrant of remand shall order that he be brought before the Court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

563. (1) The Court, before directing the release of an offender under the foregoing provisions of this Code, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

(2) Nothing in this section or in sections 561 and 562 shall affect the provisions of section 31 of the Reformatory Schools Act, 1897.

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(Part IX.—Supplementary Provisions.—Chapter XLVI.—Miscellaneous.—Sections 564-565.)

Habitual Offenders.

564. (1) When any person having been convicted of any offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards is again convicted of any offence punishable under either of those Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Session, Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, or any Magistrate of the first class specially empowered by the Local Government in this behalf, such Court or Magistrate may, if it or he shall think fit, at the time of passing sentence of transportation or imprisonment on such person, also order that he be placed under police supervision for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction be set aside on appeal or otherwise, such order for police supervision shall become void.

(3) Such order for police supervision may be passed by a Court of Appeal or Revision, but no such order shall be open to appeal or revision unless the conviction and sentence of which it forms a part shall come before such Court in manner hereinbefore provided by this Code.

565. (1) A person ordered to be under police supervision shall be bound to inform the District Magistrate or District Superintendent of Police of the dwelling-place in which he resides or intends to reside.

(2) If such person shall, without previous notice to such District Magistrate or District Superintendent of Police, change his residence, or if he shall without permission of a Magistrate or Police-officer not inferior to the rank of head constable or other person appointed by the District Magistrate in that behalf be absent from his notified place of residence between sunset and sunrise, he may be arrested without warrant and shall be deemed to have committed an offence punishable under section

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(Schedule I.—Enactments repealed.)

SCHEDULE I.
ENACTMENTS REPEALED.
(See section 2.)

Year.	No.	Short title or subject.	Extent of repeal.
1875	X	<i>High Courts' Criminal Procedure</i>	<i>The whole.</i>
1882	X	<i>The Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>
1884	III	<i>The Criminal Procedure Code Amendment Act, 1884.</i>	<i>The whole.</i>
1886	X	<i>Amending the Code of Criminal Procedure, 1882, and certain other Acts.</i>	<i>Sections 1 to 19 (both inclusive).</i>
1887	V	<i>Amending the Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>
"	XIV	<i>The Indian Marine Act, 1887</i>	<i>Section 78.</i>
1889	I	<i>The Metal Tokens Act, 1889</i>	<i>Section 7.</i>
"	V	<i>Abolishing the Office of Coroner of Madras.</i>	<i>Section 4, sub-section (1).</i>
"	XI	<i>The Lower Burma Courts Act, 1889</i>	<i>So much of the second schedule as relates to the Code of Criminal Procedure, 1882.</i>
"	XIII	<i>The Cantonments Act, 1889</i>	<i>So much of the schedule as relates to the Code of Criminal Procedure, 1882.</i>
1891	III	<i>Amending the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.</i>	<i>Section 9.</i>
"	IV	<i>Amending the Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>
"	X	<i>Amending the Indian Penal Code and the Code of Criminal Procedure, 1882.</i>	<i>Sections 2 and 3.</i>
"	XII	<i>The Repealing and Amending Act, 1891.</i>	<i>So much as relates to the Code of Criminal Procedure, 1882.</i>
1894	III	<i>Amending the Code of Criminal Procedure, 1882, and the Indian Penal Code.</i>	<i>Sections 1 to 4 (both inclusive).</i>
"	X	<i>Amending the Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>
1895	IV	<i>Amending sections 366 and 371 of the Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>
1896	XIII	<i>Amending the Code of Criminal Procedure, 1882.</i>	<i>The whole.</i>

*The Code of Criminal Procedure, 1898.**(Schedule 11.—Tabular Statement of Offences. Chapter V.—Abetment.)*

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

EXPLANATORY NOTE.—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column. The third column of this schedule applies to the police in the towns of Calcutta and Bombay.

CHAPTER V.—ABETMENT.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence, punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable.	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.

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SCHEDULE II.—*continued.*
CHAPTER V.—ABETMENT.—*concluded.*

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court is the offence abetted.
115	If an act which causes harm be done in consequence of the abetment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 14 years and fine.	The Court by which the offence abetted is triable.
116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto.	Ditto.	According as the offence abetted is bailable or not.	Ditto.	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto.	Ditto.	Not bailable.	Ditto.	Imprisonment of either description for 7 years and fine.	Ditto.
	If the offence be not committed.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto.	Ditto.	According as the offence abetted is bailable or not.	Ditto.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

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*(Schedule II.—Tabular Statement of Offences, Chapter V.—Abetment. Chap-
 ter VI.—Offences against the State.)*

	If the offence be punishable with death or transportation for life.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . . .	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto . . .	Ditto . . .	According as the offence abetted is bailable or not.	Ditto . . .	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Ditto.
	If the offence be not committed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.
CHAPTER VI.—OFFENCES AGAINST THE STATE.							
121	Waging or attempting to wage war, or abetting the waging of war, against the Queen.	Shall not arrest without warrant.	Warrant . . .	Not bailable .	Not compoundable.	Death, or transportation for life, and forfeiture of property.	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life or any shorter term, or imprisonment of either description for 10 years.	Ditto.
122	Collecting arms, etc., with the intention of waging war against the Queen.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for ten years and fine.	Ditto.
124	Assaulting Governor General, Governor, etc., with intent to compel or restrain the exercise of any lawful power.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter VI.—Offences against the State.)*

SCHEDULE II.—continued.
CHAPTER VI.—OFFENCES AGAINST THE STATE.—continued.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Courts triable.
124A	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Court of Session.
125	Waging war against any Asiatic Power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto	Ditto	Ditto	Ditto	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Ditto.
126	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or war in his custody to escape.	Ditto	Ditto	Bailable	Ditto	Simple imprisonment for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto	Ditto	Not bailable.	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

131	Abetting mutiny, or attempting to seduce an officer, soldier or sailor from his allegiance or duty.	May arrest without warrant.	Warrant . . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Death, or transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
133	Abetment of an assault by an officer, soldier or sailor on his superior officer, when in the execution of his office.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
134	Abetment of such assault, if the assault is committed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier or sailor.	Ditto . . .	Ditto . . .	Bailable .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
136	Harbouring such an officer, soldier or sailor who has deserted.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons . . .	Ditto . . .	Ditto . . .	Fine of 500 rupees . . .	Ditto.
138	Abetment of act of insubordination by an officer, soldier or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

(Schedule II.—Tabular Statement of Offences. Chapter VII.—Offences relating to the Army and Navy.)

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*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter VIII.—Offences against the Public Tranquillity.)*

SCHEDULE II—continued.
CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
147	Rioting . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Ditto . . .	The same as for the offence . . .	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto . . .	Ditto . . .	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after	Ditto . . .	Summons . . .	Bailable . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

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(Schedule II.—Tabular Statement of Offences. Chapter VIII.—Offences against the Public Tranquillity.)

	it has been commanded to disperse.						
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed . . .	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 1,000 rupees . . .	Presidency Magistrate or Magistrate of the first or second class.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Fine	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Ditto.
159	Or to go armed . . .	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray . . .	Shall not arrest without warrant.	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter IX.—Offences by or relating to Public Servants.)*

SCHEDULE II—continued.
CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether empanelment or not.	Punishment under the Indian Penal Code.	By what Court triable.
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter IX.—Offences by or relating to Public Servants. Chapter X.—Contempts of the lawful authority of Public Servants.)

168	Public servant unlawfully engaging in trade.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant	May arrest without warrant.	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
	If summons, etc., require attendance in person, etc., in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants.)

SCHEDULE II—continued.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS—continued.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, etc., in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.

*The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the
lawful authority of Public Servants.)*

	If the notice or information required respects the commission of an offence, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto
177	Knowingly furnishing false information to a public servant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
	If the information required respects the commission of an offence, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
178	Refusing oath when duly required to take oath by a public servant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Presidency Magistrate or Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants.)*

SCHEDULE II.—continued.
CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—continued.

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding, by a person under a legal incapacity to purchase it, for property at a lawfully authorised sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 300 rupees, or both.	Ditto.
	Willfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter X.—Contempts of the lawful authority of Public Servants; Chapter XI.—False Evidence and Offences against Public Justice.)

188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causee obstruction, annoyance or injury to persons lawfully employed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for a month, or fine of 200 rupees, or both.	Ditto.
	If such disobedience causes danger to human life, health or safety, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto . . .	Ditto . . .	Not bailable	Ditto . . .	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Death or as above . . .	Ditto.

The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences, Chapter XI.—False Evidence and Offences against Public Justice)

SCHEDULE II—continued.
 CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	The same as for the offence . . .	Court of Session.
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto . . .	Ditto . . .	According as the offence of giving such evidence is bailable or not.	Ditto . . .	The same as for giving or fabricating false evidence.	Court of Session, Presidency Magistrate or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto . . .	Ditto . . .	Bailable.	Ditto . . .	The same as for giving false evidence.	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
200	Using as true any such declaration known to be false.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session.

The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences Chapter XI.—False Evidence and Offences against Public Justice)

	screen the offender, if a capital offence.						
	If punishable with transportation for life or imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with less than 10 years' imprisonment.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court, by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Presidency Magistrate or Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—continued.

	Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
XLV of 1890.	207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	Warrant . . .	Bailable . .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
	208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Presidency Magistrate or Magistrate of the first class.
	209	False claim in a Court of Justice.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years and fine.	Ditto.
	210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
	211	False charge of offence made with intent to injure.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Ditto.
		If offences charged be punishable with imprisonment for seven years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
		If offence charged be capital, or punishable with transportation for life, or with im-	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto	Court of Session.

The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)*

	prisonment for a term exceeding 7 years.							
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.	
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.	
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.	
213	Taking gift, etc., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session.	
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.	
	If with imprisonment for less than 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.	
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session.	

The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

SCHEDULE II—continued.

CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE—continued.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
214— <i>contd.</i>	If punishable with transportation for life or with imprisonment for 10 years.	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, with or without fine.	Ditto.
	If with imprisonment for 1 year, and not for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Presidency Magistrate or Magistrate of the first class or Court by

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The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)

							which the offence is triable.
216A	Harbouring robbers or dacoits	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Rigorous imprisonment for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years, with or without fine.	Ditto.
*	If punishable with transportation for life or imprisonment for 10 years.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, with or without fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice.)*

SCHEDULE II.—continued.
CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—continued.

Section.	Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
221— <i>contd.</i>	If with imprisonment for less than 10 years.	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 2 years, with or without fine.	Presidency Magistrate or Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend a person under sentence of a Court of Justice if under sentence of death.	Ditto . . .	Ditto . . .	Not bailable . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation or penal servitude for life, or transportation, imprisonment or penal servitude for 10 years or upwards.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Ditto . . .	Ditto . . .	Bailable . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XI.—False Evidence and Offences against Public Justice. Chapter XII.—Offences relating to Coin and Government Stamps.)

SCHEDULE II.—continued.
CHAPTER XI.—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.—continued.

Section.	3	4	5	6	7	8
Section.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
226	Unlawful return from transportation.	Ditto	Not bailable	Ditto	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Court of Session.
227	Violation of condition of remission of punishment.	Summons	Ditto	Ditto	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto	Bailable	Ditto	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.
229	Personation of a juror or assessor.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first class.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

Section.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session.

*The Code of Criminal Procedure, 1898.
(Schedule II—Tabular Statement of Offences, Chapter XII.—Offences relating to Coin and Government Stamps.)*

232	Counterfeiting, or performing any part of the process of counterfeiting, the Queen's coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
234	Making, buying or selling instrument for the purpose of counterfeiting the Queen's coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	If Queen's coin . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Court of Session.
236	Abetting in British India the counterfeiting out of British India of coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	The punishment provided for abetting the counterfeiting of such coin within British India.	Ditto.
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
238	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life or imprisonment of either description for 10 years and fine.	Court of Session.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps.)*

SCHEDULE II.—continued.
CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.—continued.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
230	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Imprisonment of either description for 5 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
240	The same with respect to the Queen's coin.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Presidency Magistrate or Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
243	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto	Ditto	Ditto	Ditto	Ditto	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps.)*

246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of the Queen's coin.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.
249	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 5 years and fine.	Ditto.
251	Delivery of Queen's coin possessed with the knowledge that it is altered.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.
253	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 5 years and fine.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Presidency Magistrate or Magistrate of the first or second class.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps.)*

SCHEDULE II—continued.

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS—continued.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or summons shall immediately issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
255	Counterfeiting a Government stamp.	May arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
258	Sale of counterfeit Government stamp.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Court of Session, Presidency Magistrate or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
262	Using a Government stamp	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either de-	Presidency Mag-

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XII.—Offences relating to Coin and Government Stamps. Chapter XIII.—Offences relating to Weights and Measures. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)

	known to have been before used.					scription or 2 years, or fine, or both.	istrate or Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
263 A	Fictitious stamps . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 200 rupees . . .	Presidency Magistrate or Magistrate of the first class.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)*

SCHEDULE II—continued.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—continued.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 500 rupees . . .	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals.)*

279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Presidency Magistrate or Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto . . .	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 200 rupees . . .	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Any Magistrate.
286	So dealing with any explosive substance.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Presidency Magistrate or Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency and Morals. Chapter XV.—Offences relating to Religion.)

SCHEDULE II—continued.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS—concluded.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Summons . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
290	Committing a public nuisance	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 200 rupees . . .	Ditto.
291	Continuance of nuisance after injunction to discontinue .	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Simple imprisonment for 6 months, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
292	Sale, etc., of obscene books, etc.	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene books, etc., for sale or exhibition.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
294	Obscene songs . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
294A	Keeping a lottery office .	Shall not arrest without warrant.	Summons . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
	Publishing proposals relating to lotteries.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Fine of 1,000 rupees . . .	Ditto.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging or	May arrest without	Summons . . .	Bailable . . .	Not com-	Imprisonment of either de-	Presidency Mag-
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The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XV.—Offences relating to Religion. Chapter XVI.—Offences affecting the Human Body. Of Offences affecting Life.)

	defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	warrant.			poundable.	scription for 2 years, or fine, or both.	istrate or Magistrate of the first or second class.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Compoundable.	Ditto . . .	Ditto.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Of Offences affecting Life.

		May arrest without warrant.	Warrant . . .	Not bailable.	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
302	Murder						
303	Murder by a person under sentence of transportation for life.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

*The Code of Criminal Procedure, 1898.**Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. (Of Offences affecting Life.)*

SCHEDULE II—continued.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of Offences affecting Life—concluded.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
304— <i>contd.</i>	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	May arrest without warrant.	Warrant . . .	Not bailable . . .	Not compoundable.	Imprisonment of either description for 10 years, or fine, or both.	Court of Session.
304A	Causing death by rash or negligent act.	Ditto . . .	Ditto . . .	Bailable.	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
305	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated.	Ditto . . .	Ditto . . .	Not bailable . . .	Ditto . . .	Death, or transportation for life, or imprisonment for 10 years, and fine.	Court of Session.
306	Abetting the commission of suicide.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Ditto.
307	Attempt to murder . . . If such act cause hurt to any person.	Ditto . . . Ditto . . .	Ditto . . . Ditto . . .	Ditto . . . Ditto . . .	Ditto . . . Ditto . . .	Ditto . . . Transportation for life, or as above.	Ditto. Ditto.
308	Attempt by life-convict to murder, if hurt is caused. Attempt to commit culpable homicide. If such act cause hurt to any person.	Ditto . . . Ditto . . . Ditto . . .	Ditto . . . Ditto . . . Ditto . . .	Ditto . . . Bailable	Ditto . . . Ditto . . .	Death or as above . . . Imprisonment of either description for 3 years, or fine, or both. Imprisonment of either description for 7 years, or fine, or both.	Ditto. Ditto. Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Offences affecting Life. Of the Causing of Miscarriage; of injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.)

309	Attempt to commit suicide	Ditto	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
311	Being a thug	Ditto	Ditto	Ditto	Not bailable	Ditto	Transportation for life and fine.	Court of Session.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births.

312	Causing miscarriage	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto	Ditto	Not bailable.	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
	If act done without woman's consent.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto	Bailable	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births; Of Hurt.)

SCHEDULE II.—continued.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of the Causing of Miscarriage; of Injuries to Unborn Children; of the Exposure of Infants; and of the Concealment of Births—concl'd.

Section.	Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Whether compoundable or not.	7 Punishment under the Indian Penal Code.	8 By what Court triable.
318	Concealment of birth by secret disposal of dead body.	May arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.

Of Hurt.

323	Voluntarily causing hurt	Shall not arrest without warrant.	Summons . . .	Bailable . . .	Compoundable	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto . . .	Ditto . . .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
325	Voluntarily causing grievous hurt.	Ditto . . .	Ditto . . .	Ditto . . .	Not compoundable.	Imprisonment of either description for 7 years and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto . . .	Ditto . . .	Not bailable . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Court of Session.

*The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Hurt.)*

	to do anything which is illegal or which may facilitate the commission of an offence.						
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, etc.	Ditto . . .	Ditto . . .	Bailable . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	Ditto . . .	Ditto . . .	Not bailable.	Ditto . . .	Imprisonment of either description for 10 years and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto . . .	Ditto . . .	Bailable . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto . . .	Ditto . . .	Not bailable.	Ditto . . .	Imprisonment of either description for 10 years and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons . .	Bailable . .	Compoundable.	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Hurt; of Wrongful Restraint and Wrongful Confinement.)

SCHEDULE II—continued.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.

Of Hurt—concluded.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons . . .	Bailable . . .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto . . .	Ditto . . .	Ditto . . .	Not compoundable.	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
338	Causing grievous hurt by an act which endangers human life, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of Wrongful Restraint and Wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons . . .	Bailable . . .	Compoundable.	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
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The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Wrongful Restraint and Wrongful Confinement; of Criminal Force and Assault.)

342	Wrongfully confining any person.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto . . .	Ditto . . .	Ditto . . .	Not compoundable.	Imprisonment of either description for 2 years and fine.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Court of Session, Presidency Magistrate or Magistrate of the first class.
<i>Of Criminal Force and Assault.</i>							
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons . . .	Bailable . . .	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences, Chapter XVI.—Offences affecting the Human Body. Of Criminal Force and Assault; of Kidnapping, Abduction, Slavery and Forced Labour.)

SCHEDULE II—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—continued.
Criminal Force and Assault—concluded.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant	Bailable	Not compoundable	Imprisonment of either description for a year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Ditto	Compoundable.	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Ditto	Compoundable.	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto
363	Kidnapping	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate

Of Kidnapping, Abduction, Slavery and Forced Labour.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVI.—Offences affecting the Human Body. Of Kidnapping, Abduction, Slavery and Forced Labour; of Rape; of Unnatural Offences. Chapter XVII.—Offences against Property. Of Theft.)

SCHEDULE II—continued.
CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—concluded.
Of Kidnapping, Abduction, Slavery and Forced Labour—concluded.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
374	Unlawful compulsory labour.	May arrest without warrant.	Warrant . . .	Bailable . . .	Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape— If the sexual intercourse was by a man with his own wife. In any other case . . .	Shall not arrest without warrant. May arrest without warrant.	Summons . . . Warrant . . .	Bailable . . . Not bailable . . .	Not compoundable. Ditto . . .	Transportation for life, or imprisonment of either description for 10 years, and fine. Ditto . . .	Court of Session. Ditto.
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Of Unnatural Offences.

377	Unnatural offences . . .	May arrest without warrant.	Warrant . . .	Not bailable . . .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft . . .	May arrest without warrant.	Warrant . . .	Not bailable . . .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
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*The Code of Criminal Procedure, 1898,
Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences
against Property. Of Theft : of Extortion.)*

380	Theft in a building, tent or vessel.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft or to retiring after committing it, or to retaining property taken by it.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Rigorous imprisonment for 10 years and fine.	Court of Session.

Of Extortion.

384	Extortion . . .	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto . . .	Ditto . . .	Not bailable.	Ditto . . .	Imprisonment of either description for 10 years and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XVII—Offences against Property. Of Extortion; of Robbery and Dacoity.)*

SCHEDULE II—continued.
CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.
Of Extortion—concluded.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 10 years and fine.	Court of Session.
	If the offence threatened be an unnatural offence.	Ditto	Ditto	Ditto	Ditto	Transportation for life.	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto	Ditto	Ditto	Ditto	Transportation for life.	Ditto.

Of Robbery and Dacoity.

Section.	Offence.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Rigorous imprisonment for 10 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
392	Robbery						
	If committed on the highway between sunset and sunrise.	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for 14 years and fine.	Ditto.
393	Attempt to commit robbery	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for 7 years and fine.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Robbery and Dacoity; of Criminal Misappropriation of Property.)

[illegible]

The Code of Criminal Procedure, 1898

(Schedule II—Tabular Statement of Offences, Chapter XVII.—Offences against Property. Of Criminal Misappropriation of Property; of Criminal Breach of Trust.)

SCHEDULE II—continued.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.

Of Criminal Misappropriation of Property—continued.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
405	If by clerk or person employed by deceased.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto

Of Criminal Breach of Trust.

Section.	Offence.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
406	Criminal breach of trust						
407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine	Court of Session, Presidency Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Court of Session, Presidency Magistrate or Magistrate of the first class.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Criminal Breach of Trust; of the Receiving of Stolen Property; of Cheating.)

409	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life or imprisonment of either description for 10 years and fine.	trate of the first or second class. Court of Session, Presidency Magistrate or Magistrate of the first class.
<i>Of the Receiving of Stolen Property.</i>							
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant . . .	Not bailable.	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or rigorous imprisonment for 10 years and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
<i>Of Cheating.</i>							
417	Cheating . . .	May arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Cheating; of Fraudulent Deeds and Disposition of Property.)
The Code of Criminal Procedure, 1898.

SCHEDULE II—continued.
 CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.
Of Cheating—continued.

1	2	3	4	5	6	7	8
Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
418	Cheating a person whose interest the offender was bound either by law or by legal contract, to protect.	May arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
419	Cheating by personation . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Of Fraudulent Deeds and Disposition of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant . . .	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
424	Fraudulent removal or concealment of property, of himself.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

The Code of Criminal Procedure, 1898.
 (Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences
 against Property. Of Mischief.)

Of Mischief.							
426	Mischief or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Shall not arrest without warrant.	Summons	Bailable	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	May arrest without warrant.	Ditto	Ditto	Not compoundable.	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Mischief.)

SCHEDULE II.—continued.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.

Of Mischief—concluded.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	May arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, to rupees or upwards.	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years and fine.	Court of Session.
436	Mischief by fire or explosive substance with intent to destroy a house, &c.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, or imprisonment of either description for 10 years and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.
438	The mischief described in the	Ditto	Ditto	Ditto	Ditto	Transportation for life, or im-	Ditto.

The Code of Criminal Procedure, 1898.
 (Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Mischief; of Criminal Trespass.)

	last section when committed by fire or any explosive substance.					prisonment of either description for 10 years and fine.	
439	Running vessel ashore with intent to commit theft, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Ditto.
440	Mischief committed after preparation made for causing death, or hurt, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 5 years and fine.	Ditto.
<i>Of Criminal Trespass.</i>							
447	Criminal trespass . . .	May arrest without warrant.	Summons . . .	Bailable . . .	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass . . .	Ditto . . .	Warrant . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto . . .	Ditto . . .	Not bailable . . .	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 10 years and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto . . .	Ditto . . .	Bailable . . .	Ditto . . .	Imprisonment of either description for 2 years and fine.	Any Magistrate.
	If the offence is theft . . .	Ditto . . .	Ditto . . .	Not bailable . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Criminal Trespass.)*

SCHEDULE II.—continued.
CHAPTER XVII.—OFFENCES AGAINST PROPERTY—continued.
Of Criminal Trespass—concluded.

Section.	1	2	3	4	5	6	7	8
	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant of arrest shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.	
453	Lurking house-trespass or house-breaking.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 2 years and fine.	Presidency Magistrate, or Magistrate of the first or second class.	
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.	
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years and fine.	Ditto.	
456	Lurking house-trespass or house-breaking by night.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.	
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years and fine.	Ditto.	

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVII.—Offences against Property. Of Criminal Trespass. Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks.)

	If the offence is theft . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 14 years and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Court of Session, Presidency Magistrate, or Magistrate of the first class.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto . . .	Ditto . . .	Bailable . . .	Ditto . . .	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate, or Magistrate of the first or second class.

CHAPTER XVII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.

465	Forgery	May arrest without warrant.	Warrant . . .	Bailable . . .	Not compoundable.	Imprisonment of either description for 2 years or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto . . .	Ditto . . .	Not bailable . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks.)

SCHEDULE II.—continued.
CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.—continued.

XIV of 1860. Section.	1. Offence.	2. Whether the police may arrest without warrant or not.	3. Whether a warrant or a summons shall ordinarily issue in the first instance.	4. Whether bailable or not.	5. Whether compoundable or not.	6. Punishment under the Indian Penal Code.	7. By what Court triable.
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	May arrest without warrant.	Warrant . . .	Not bailable .	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years and fine.	Court of Session.
468	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
469	Forgery for the purpose of cheating.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
470	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 3 years and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Punishment for forgery .	Ditto.
472	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	May arrest without warrant.	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.

*The Code of Criminal Procedure, 1898.
(Schedule II.—Tabular Statement of Offences. Chapter XVIII.—Offences
relating to Documents and to Trade or Property Marks.)*

473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Indian Penal Code.	<i>Shall not arrest without warrant.</i>	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
	If the document is one of the description mentioned in section 467 of the Indian Penal Code.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto . . .	Ditto . . .	Not bailable .	Ditto . . .	Imprisonment of either description for 7 years and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, etc.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Transportation for life, or imprisonment of either description for 7 years and fine.	Ditto.
477A	Falsification of accounts	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

SCHEDULE II—continued.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS—concluded.

Of Trade and Property Marks.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
482	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto	Summons	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, Presidency Magistrate or Magis-

(Schedule II.—Tabular Statement of Offences.—Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks. Of Trade and Property Marks.)

The Code of Criminal Procedure, 1898.

The Code of Criminal Procedure, 1898.

(Schedule II.—Tabular Statement of Offences. Chapter XVIII.—Offences relating to Documents and to Trade or Property Marks. Of Trade and Property Marks. Chapter XIX.—Criminal Breach of Contracts of Service.)

	believed that it contains goods which it does not contain, etc.	Ditto	.	.	Ditto	.	Ditto	.	Ditto	.	Ditto	.	Ditto	trate of the first or second class.
488	Making use of any such false mark.	Ditto	.	.	Ditto	.	Ditto	.	Ditto	.	Ditto	.	Ditto	Ditto.
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto	.	.	Ditto	.	Ditto	.	Ditto	.	Ditto	.	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons	Bailable	Compoundable.	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Presidency Magistrate or Magistrate of the first or second class.
490	Being bound by contract to render personal service during a voyage or journey or to convey or guard any property or person and voluntarily omitting to do so.	Ditto	.	.	Ditto	.	Ditto.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Ditto	.	.	Ditto	.	Ditto.
492	Being bound by contract to render personal service for a certain period at a distant place to which the employé is conveyed at the expense of the employer, and voluntarily deserting the service or refusing to perform the duty.	Ditto	.	.	Ditto	.	Ditto.

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences.—Chapter. XX.—Offences relating to Marriage. Chapter XXI.—Defamation.)*

SCHEDULE II.—continued.
CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the lifetime of a husband or wife.	Ditto.	Ditto.	Bailable.	Ditto.	Imprisonment of either description for 7 years, and fine.	Ditto.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto.	Ditto.	Not bailable.	Ditto.	Imprisonment of either description for 10 years, and fine.	Ditto.
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not there- by lawfully married.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery.	Ditto.	Ditto.	Bailable.	Compoundable.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

CHAPTER XXI.—DEFAMATION.

Section.	Defamation.	Shall not arrest without warrant.	Bailable.	Compoundable.	Court of Session.
500	Defamation.				

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Chapter XXI.—Defamation.
Chapter XXII.—Criminal Intimidation, Insult and Annoyance.)*

		out warrant.			able.	years, or fine, or both.	sion, Presiden- cy Magistrate or Magistrate of the 1st class.
501	Printing or engraving matter knowing it to be defamatory.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Ditto.

CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant . . .	Bailable . . .	Compounded . . .	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace.	Ditto . . .	Ditto . . .	Not bailable . . .	Not compoundable . . .	Ditto . . .	Presidency Magistrate or Magistrate of the first or second class.
506	Criminal intimidation . . .	Ditto . . .	Ditto . . .	Bailable . . .	Compoundable . . .	Ditto . . .	Ditto.
	If threat be to cause death or grievous hurt, &c.	Ditto . . .	Ditto . . .	Ditto . . .	Not compoundable . . .	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 2 years in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto . . .	Ditto . . .	Ditto . . .	Ditto . . .	Imprisonment of either description for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.

The Code of Criminal Procedure, 1898.

(Schedule II.—*Tabular Statement of Offences. Chapter XXII.—Criminal Intimidation, Insult and Annoyance. Chapter XXIII.—Attempts to commit Offences. Offences against other Laws.*)

SCHEDULE II—*concluded.*
CHAPTER XXII.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE—*concluded.*

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Indian Penal Code.	By what Court triable.
509	Uttering any word or making any gesture intended to insult the modesty of a woman, &c.	Shall not arrest without warrant.	Warrant	Bailable	Not compoundable.	Simple imprisonment for 1 year, or fine, or both.	Presidency Magistrate or Magistrate of the first class.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

Section.	Offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence is contemptable by the offender bailable or not.	Compoundable when the offence attempted is compoundable.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attempted is triable.
531	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.						

OFFENCES AGAINST OTHER LAWS.

Section.	Offence.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	According to the provisions of the Indian Arms Act.
	If punishable with death, transportation or imprisonment for 7 years or upwards.			Not bailable.	Not compoundable.	
	If punishable with imprisonment for 3 years and upwards but less than seven.	Ditto	Ditto	Ditto	Ditto	

*The Code of Criminal Procedure, 1898.**(Schedule II.—Tabular Statement of Offences. Offences against other Laws.)*

If punishable with imprisonment for less than 3 years.	Shall not arrest without warrant.	Summons	1878, section 19, which shall be bailable.	Ditto	sections of section 29 of this Code.
If punishable with fine only	Ditto	Ditto	Ditto	Ditto

The Code of Criminal Procedure, 1898.
(Schedule III.—Ordinary Powers of Provincial Magistrates.)

SCHEDULE III.

(See section 36.)

ORDINARY POWERS OF PROVINCIAL MAGISTRATES.

I.—Ordinary Powers of a Magistrate of the Third Class.

- (1) Power to arrest, or direct the arrest in his presence of, an offender, section 65.
- (2) Power to arrest or direct the arrest, and to commit to custody, a person committing an offence in his presence, section 64.
- (3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 86.
- (4) Power to issue proclamations in cases judicially before him, section 87.
- (5) Power to attach and sell property cases judicially before him, section 88.
- (6) Power to restore attached property, section 89.
- (7) Power to issue search-warrant, section 96.
- (8) Power to endorse a search-warrant and order delivery of thing found, section 96.
- (9) Power to record statements or confessions during a police investigation, section 164.
- (10) Power to authorise detention of a person during a police investigation, section 167.
- (11) Power to detain an offender found in Court, section 351.
- (12) Power to sell perishable property of a suspected character, section 525.

II.—Ordinary Powers of a Magistrate of the Second Class.

- (1) The ordinary powers of a Magistrate of the third class.
- (2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

III.—Ordinary Powers of a Magistrate of the First Class.

- (1) The ordinary powers of a Magistrate of the second class.
- (2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.
- (3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.
- (4) Power to require security to keep the peace, section 107.
- (5) Power to require security for good behaviour, section 109.
- (6) Power to make orders, &c., in possession cases, sections 145, 146 and 147.
- (7) Power to commit for trial, section 206.
- (8) Power to stop proceedings when no complainant, section 249.
- (9) Power to make orders of maintenance, sections 488 and 489.

IV.—Ordinary Powers of a Subdivisional Magistrate.

- (1) The ordinary powers of a Magistrate of the first class.
- (2) Power to direct warrants to landholders, section 78.
- (3) Power to require security for good behaviour, section 110.
- (4) Power to make orders as to local nuisances, section 133.
- (5) Power to make orders prohibiting repetitions of nuisances, section 143.
- (6) Power to make orders under section 144.
- (7) Power to hold inquests, section 174.
- (8) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (9) Power to entertain complaints, section 190.
- (10) Power to receive police reports, section 190.
- (11) Power to entertain cases without complaint, section 190.
- (12) Power to transfer cases to a Subordinate Magistrate, section 192.
- (13) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.
- (14) Power to sell property alleged or suspected to have been stolen, &c., section 524.
- (15) Power to withdraw cases other than appeals, and to try or refer them for trial, section 528.

V.—Ordinary Powers of a District Magistrate.

- (1) The ordinary powers of a Subdivisional Magistrate, being a Magistrate of the first class.
- (2) Power to issue search-warrants for documents in custody of postal or telegraph authorities, section 96.
- (3) Power to discharge persons bound to keep the peace or to be of good behaviour, section 124.
- (4) Power to cancel bond for keeping the peace, section 125.
- (5) Power to try summarily, section 260.
- (6) Power to quash convictions in certain cases, section 350.
- (7) Power to hear appeals from orders requiring security for good behaviour, section 400.
- (8) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.
- (9) Power to call for records, section 435.
- (10) Power to revise orders passed under section 514, section 515.

*The Code of Criminal Procedure, 1898.**(Schedule IV.—Additional Powers with which Provincial Magistrates may be invested.)*

SCHEDULE IV.

(See sections 37 and 38.)

ADDITIONAL POWERS WITH WHICH PROVINCIAL MAGISTRATES MAY BE INVESTED.

POWERS WITH WHICH A
MAGISTRATE OF THE
FIRST CLASS MAY BE
INVESTED.BY THE LOCAL
GOVERNMENT.

- (1) Power to require security for good behaviour, section 110 :
- (2) Power to make orders as to local nuisances, section 133 :
- (3) Power to make orders prohibiting repetitions of nuisances, section 143 :
- (4) Power to make orders under section 144 :
- (5) Power to hold inquests, section 174 :
- (6) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186 :
- (7) Power to take cognizance of offences upon complaint, section 190 :
- (8) Power to take cognizance of offences upon police-reports, section 190 :
- (9) Power to take cognizance of offences upon information, section 190 :
- (10) Power to try summarily, section 260 :
- (11) Power to hear appeals from convictions by Magistrates of the second and third classes, section 407 :
- (12) Power to sell property alleged or suspected to have been stolen, etc., section 524 :
- (13) Power to order a person convicted of a first offence to appear and receive judgment when called upon, and meantime to keep the peace and be of good behaviour (section 561).
- (14) Power to give an order of police supervision, section 564 :

BY THE DISTRICT
MAGISTRATE.

- (1) Power to make orders prohibiting repetitions of nuisances, section 143 :
- (2) Power to make orders under section 144 :
- (3) Power to hold inquests, section 174 :
- (4) Power to take cognizance of offences upon complaint, section 190 :
- (5) Power to take cognizance of offences upon police-reports, section 190 :
- (6) Power to transfer cases, section 192 :

POWERS WITH WHICH A
MAGISTRATE OF THE
SECOND CLASS MAY BE
INVESTED.BY THE LOCAL
GOVERNMENT.

- (1) Power to pass sentences of whipping, section 32 :
- (2) Power to make orders prohibiting repetitions of nuisances, section 143 :
- (3) Power to make orders under section 144 :
- (4) Power to hold inquests, section 174 :
- (5) Power to take cognizance of offences upon complaint, section 190 :
- (6) Power to take cognizance of offences upon police-reports, section 190 :
- (7) Power to take cognizance of offences upon information, section 190 :
- (8) Power to commit for trial, section 206 :

BY THE DISTRICT
MAGISTRATE.

- (1) Power to make orders prohibiting repetitions of nuisances, section 143 :
- (2) Power to make orders under section 144 :
- (3) Power to hold inquests, section 174 :
- (4) Power to take cognizance of offences upon complaint, section 190 :
- (5) Power to take cognizance of offences upon police-reports, section 190 :

*The Code of Criminal Procedure, 1898.**(Schedule IV.—Additional Powers with which Provincial Magistrates may be invested.)*

SCHEDULE IV—concluded.

POWERS WITH WHICH A MAGISTRATE OF THE THIRD CLASS MAY BE IN- VESTED.	}	BY THE LOCAL GOVERNMENT.	(1) Power to make orders prohibiting re- petitions of nuisances, section 143 :
			(2) Power to make orders under section 144 :
			(3) Power to hold inquests, section 174 :
			(4) Power to take cognizance of offences upon complaint, section 190 :
			(5) Power to take cognizance of offences upon police-reports, section 190 :
			(6) Power to commit for trial, section 206 :
POWERS WITH WHICH A SUBDIVISIONAL MAGIS- TRATE MAY BE INVEST- ED.	}	BY THE DISTRICT MAGISTRATE.	(1) Power to make orders prohibiting re- petitions of nuisances, section 143 :
			(2) Power to make orders under section 144 :
			(3) Power to hold inquests, section 174 :
			(4) Power to take cognizance of offences upon complaint, section 190 :
			(5) Power to take cognizance of offence upon police-reports, section 190 :
	}	BY THE LOCAL GOVERNMENT.	Power to call for records, section 435.

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V.

(See section 554.)

FORMS.

I.—SUMMONS TO AN ACCUSED PERSON.

(See section 68.)

To _____ of _____
 WHEREAS your attendance is necessary to answer to a charge of *(state shortly the offence charged)*, you
 are hereby required to appear in person *(or by pleader, as the case may be)* before the *(Magistrate)*
 the _____ of _____, on
 the _____ day of _____, 18 _____. Herein fail not.
 Dated this _____ day of _____, 18 _____.
(Seal.)

(Signature.)

II.—WARRANT OF ARREST.

*(See section 75.)*To *(name and designation of the person or persons who is or are to execute the warrant.)*

WHEREAS _____ of _____ stands charged with the offence of *(state the offence)*, you are hereby directed to arrest the said _____, and to produce him
 before me. Herein fail not.

Dated this _____ day of _____, 18 _____.
(Seal.)

*(Signature.)**(See section 76.)**This warrant may be endorsed as follows:—*

If the said _____ shall give bail himself in the sum of _____, with one surety in
 the sum of _____ *(or two sureties each in the sum of _____)* to attend before me on the _____ day of _____
 and to continue so to attend until otherwise directed by me, he may be released.
 Dated this _____ day of _____, 18 _____.
(Seal.)

(Signature.)

III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.

(See section 86.)

I, *(name)* of _____, being brought before the District Magistrate of _____ *(or as the case may be)* under a warrant is sued to compel my appearance to answer to the charge of _____, do
 hereby bind myself to attend in the Court of _____ on the _____ day of _____ next, to
 answer to the said charge, and to continue so to attend until otherwise directed by the Court; and,
 in case of my making default herein, I bind myself to forfeit, to Her Majesty the Queen, Empress of India,
 the sum of rupees _____.

Dated this _____ day of _____, 18 _____.
(Seal.)

(Signature.)

I do hereby declare myself surety for the abovenamed _____ of _____, that he shall attend before
 in the Court of _____ on the _____ day of _____ next to answer to the charge
 on which he has been arrested, and shall continue so to attend until otherwise directed by the Court;
 and, in case of his making default therein, I bind myself to forfeit to Her Majesty the Queen, Empress of
 India, the sum of rupees _____.

Dated this _____ day of _____, 18 _____.
(Seal.)

(Signature.)

IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 87.)

WHEREAS complaint has been made before me that *(name, description and address)* has committed *(or is suspected to have committed)* the offence of _____, punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said *(name)* cannot be

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*SCHEDULE V.—*continued.*

found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said of is required to appear at (place) before this Court (or before me) to answer the said complaint within days from this date.

Dated this day of , 18 .

(Seal.)

(Signature.)

V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(See section 87.)

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of (mention the offence concisely) and a warrant has been issued to compel the attendance of (name, description and address of the witness) before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (name of witness) cannot be served, and it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (name) is required to appear at (place) before the Court of on the day of next at o'clock, to be examined touching the offence complained of.

Dated this day of , 18 .

(Seal.)

(Signature.)

VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(See section 88.)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (name, description and address) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (or is concealing himself to avoid the service of the said warrant); and thereupon a Proclamation was duly issued and published requiring the said to appear and give evidence at the time and place mentioned therein, and he has failed to appear;

This is to authorise and require you to attach by seizure the moveable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(Seal.)

(Signature.)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(See section 88.)

To (name and designation of the person or persons who is or are to execute the warrant).

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant), and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (or town) of in the District of , viz., , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of , 18 .

(Seal.)

(Signature.)

ORDER AUTHORIZING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS COLLECTOR.

(See section 88.)

To the Deputy Commissioner of the District of

WHEREAS complaint has been made before me that (name, description and address) has committed (or is suspected to have committed) the offence of punishable under section of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (name) cannot be found; and whereas it has been shown to my satisfaction that the said (name) has absconded (or is concealing himself to avoid the service of the said warrant) and thereupon a Proclamation was duly issued and published requiring the said to appear to answer the said charge within days, but

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*SCHEDULE V.—*continued.*

he has not appeared; and whereas the said _____ is possessed of certain land paying revenue to Government in the village (or town) of _____ in the district of _____.

You are hereby authorised and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this _____ day of _____, 18 ____.

(Seal.)

(Signature.)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(See section 90.)

To (name and designation of the Police-officer or other person or persons who is or are to execute the warrant.)

WHEREAS complaint has been made before me that _____ of _____ has (or is suspected to have) committed the offence of (mention the offence concisely); and it appears likely that (name and description of witness) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (name) and on the _____ day of _____ to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this _____ day of _____, 18 ____.

(Seal.)

(Signature.)

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(See section 96.)

To (name and designation of the Police-officer or other person or persons who is or are to execute the warrant.)

WHEREAS information has been laid (or complaint has been made) before me of the commission (or suspected commission) of the offence of (mention the offence concisely), and it has been made to appear to me that the production of (specify the thing clearly) is essential to the inquiry now being made (or about to be made) into the said offence (or suspected offence);

This is to authorise and require you to search for the said (the thing specified) in the (describe the house or place, or part thereof, to which the search is to be confined), and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18 ____.

(Seal.)

(Signature.)

IX.—WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(See section 98.)

To (name and designation of a Police-officer above the rank of a Constable.)

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (describe the house or other place) is used as a place for the deposit (or sale) of stolen property (or if for either of the other purposes expressed in the section, state the purpose in the words of the section);

This is to authorise and require you to enter the said house (or other place) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose and to search every part of the said house (or other place, or if the search is to be confined to a part, specify the part clearly) and to seize and take possession of any property (or documents, or stamps, or seals, or coins, as the case may be)—[Add (when the case requires it) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, or false seals, or counterfeit coin (as the case may be)], and forthwith to bring before this Court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18 ____.

(Seal.)

(Signature.)

X.—BOND TO KEEP THE PEACE.

(See section 109.)

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to keep the peace for the term of _____, I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____

Dated this _____ day of _____, 18 ____.

(Signature.)

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V.—continued.

XI.—BOND FOR GOOD BEHAVIOUR.

(See sections 109 and 110.)

WHEREAS I, (name), inhabitant of (place), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, Empress of India, and to all Her subjects for the term of (state the period), I hereby bind myself to be of good behaviour to Her Majesty and to all Her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(Signature.)

*(Where a bond with sureties is to be executed, add).—*We do hereby declare ourselves sureties for the abovenamed that he will be of good behaviour to Her Majesty the Queen, Empress of India, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to Her Majesty the sum of rupees

Dated this day of , 18 .

(Signature.)

XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.

(See section 114.)

To of

WHEREAS it has been made to appear to me by credible information that (state the substance of the information), and that you are likely to commit a breach of the peace (or by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (or by a duly authorised agent) at the Office of the Magistrate of on the day of 18 , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [when sureties are required, add, and also to give security by the bond of one (or two, as the case may be) surety (or sureties) in the sum of rupees (each if more than one)], that you will keep the peace for the term of

Given under my hand and the seal of the Court, this day of , 18 .

*(Seal.)**(Signature.)*

XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.

(See section 123.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS (name and address) appeared before me in person (or by his authorised agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (or a bond with two sureties each in rupees), that he, the said (name) would keep the peace for the period of months; and whereas an order was then made requiring the said (name) to enter into and find such security (state the security ordered when it differs from that mentioned in the summons), and he has failed to comply with the said order;

This is to authorise and require you, the said Superintendent (or Keeper) to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (name) released, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

*(Seal.)**(Signature.)*

XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(See section 123.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS it has been made to appear to me that (name and description) has been and is lurking within the district of having no ostensible means of subsistence (or, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (name and description) has been adduced before me and recorded, from which it appears that he is an habitual robber (or housebreaker, etc., as the case may be);

And whereas an order has been recorded stating the same and requiring the said (name) to furnish security for his good behaviour for the term of (state the period) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees , and the said surety (or each of the said sureties) for rupees , and the said (name) has failed to comply with the said order and for such default has been adjudged imprisonment for (state the term) unless the said security be sooner furnished;

This is to authorise and require you, the said Superintendent (or Keeper) to receive the said (name) into your custody, together with this warrant and him safely to keep in the said jail for the said period of (of imprisonment) unless he shall in the meantime comply with the said order by himself and his surety

The Code of Criminal Procedure, 1898.
(Schedule V.—Forms.)

SCHEDULE V.—continued.

Given under my hand and the seal of the Court, this day of , 18 .
(Seal.) (Signature.)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(See section 140.)

To (name, description and address).

XIV of 1896. I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of , 18 , have found that the order issued on the day of , 18 , requiring you (state substantially the requisition in the order), is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (state the time allowed), on peril of the penalty provided by the Indian Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of , 18 .
(Seal.) (Signature.)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(See section 142.)

To (name, description and address.)

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of , 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (state plainly what is required to be done as a temporary safeguard), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of , 18 .
(Seal.) (Signature.)

XX.—MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC., OF A NUISANCE.

(See section 143.)

To (name, description and address.)

WHEREAS it has been made to appear to me that, etc. (state the proper recital, guided by Form No. XVI or Form No. XXI, as the case may be);

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc. (as the case may be).

Given under my hand and the seal of the Court, this day of , 18 .
(Seal.) (Signature.)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.

(See section 144.)

To (name, description and address).

WHEREAS it has been made to appear to me that you are in possession (or have the management) of (describe clearly the property), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

OR

WHEREAS it has been made to appear to me that you and a number of other persons (mention the class of persons) are about to meet and proceed in a religious procession along the public street, etc. (as the case may be), and that such procession is likely to lead to a riot or an affray;

OR

WHEREAS, etc., etc., (as the case may be);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from your land on any part of the said road;

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*SCHEDULE V.—*continued.*

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (or, as the case recited may require).

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, &c., IN DISPUTE.

(See section 145.)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (describe the parties by name and residence or residence only if the dispute be between bodies of villagers) concerning certain (state concisely the subject of dispute), situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (the subject of dispute), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said (name or names or description) is true.

I do decide and declare that he is (or they are) in possession of the said (the subject of dispute) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (or their) possession in the meantime.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXIII.—WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(See section 146.)

To the Police-officer in charge of the Police-station at [or, To the Collector of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers) concerning certain (state concisely the subject of dispute) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (the subject of dispute), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (the subject of dispute) [or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorise and require you to attach the said (the subject of dispute) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXIV.—MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER.

(See section 147.)

A DISPUTE having arisen concerning the right of use of (state concisely the subject of dispute) situate within the limits of my jurisdiction, the possession of which land (or water) is claimed exclusively by (describe the person or persons), and it appearing to me, on due inquiry into the same, that the said land (or water) has been open to the enjoyment of such use by the public (or if by an individual or a class of persons, describe him or them), and (if the use can be enjoyed throughout the year) that the said use has been enjoyed within three months of the institution of the said inquiry (or if the use is enjoyable only at particular seasons, say "during the last of the seasons at which the same is capable of being enjoyed");

I do order that the said (the claimant or claimants of possession) or any one in their interest, shall not take (or retain) possession of the said land (or water) to the exclusion of the enjoyment of the right of use aforesaid, until he (or they) shall obtain the decree or order of a competent Court adjudging him (or them) to be entitled to exclusive possession.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER.

(See section 169.)

I, (name), of , being charged with the offence of , and after inquiry required to appear before the Magistrate of

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V—continued.

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at _____, in the Court of _____, on the _____ day of _____ next (or on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____.

Dated this _____ day of _____, 18 _____.

(Signature.)

I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety (or sureties) for the abovesaid _____ that he shall attend at _____, in the Court of _____, on the _____ day of _____ next (or on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (or we hereby bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____.

Dated this _____ day of _____, 18 _____.

(Signature.)

XXVI.—BOND TO PROSECUTE OR GIVE EVIDENCE.

(See section 170.)

I, (name), of (place), do hereby bind myself to attend at _____, in the Court of _____, at _____ o'clock on the _____ day of _____ next, and then and there to prosecute (or to prosecute and give evidence) (or to give evidence) in the matter of a charge of _____ against one A. B., and, in case of making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____.

Dated this _____ day of _____, 18 _____.

(Signature.)

XXVII.—NOTICE OF COMMITMENT BY MAGISTRATE TO GOVERNMENT PLEADER.

(See section 218.)

THE Magistrate of _____ hereby gives notice that he has committed one _____ for trial at the next Sessions; and the Magistrate hereby instructs the Government Pleader to conduct the prosecution of the said case.

The charge against the accused is that, &c. (state the offence as in the charge).

Dated this _____ day of _____, 18 _____.

(Signature.)

XXVIII.—CHARGES.

(See sections 221, 222, 223.)

(1)—CHARGES WITH ONE HEAD.

(a) I, [name and office of Magistrate, etc.], hereby charge you [name of accused person] as follows:—

(b) That you, on or about the _____ day of _____, at _____, waged war against Her Majesty the Queen, Empress of India, and thereby committed an offence punishable under section 121 of the Indian Penal Code, and within the cognizance of the Court of Session [when the charge is framed by a Presidency Magistrate, for Court of Session substitute High Court].

(c) And I hereby direct that you be tried by the said Court on the said charge,

(Signature and seal of the Magistrate.)

[To be substituted for (b)]:—

(2) That you, on or about the _____ day of _____, at _____, with the intention of inducing the Hon'ble A. B., Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 124 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(3) That you, being a public servant in the _____ Department, directly accepted from [state the name], for another party [state the name], a gratification, other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(4) That you, on or about the _____ day of _____, at _____, did [or omitted to do, as the case may be] _____, contrary to the provisions of Act _____, section _____, and known by you to be prejudicial to _____, and thereby committed an offence punish-

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V—continued.

able under section 166 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(5) That you, on or about the day of , at , in the course of the trial of before , stated in evidence that , which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(6) That you, on or about the day of , at , committed culpable homicide not amounting to murder, causing the death of and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(7) That you, on or about the day of , at , abetted the commission of suicide by A. B., a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(8) That you, on or about the day of , at , voluntarily caused grievous hurt to , and thereby committed an offence punishable under section 325 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(9) That you, on or about the day of , at , robbed [state the name] and thereby committed an offence punishable under section 392 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(10) That you, on or about the day of , at , committed dacoity, an offence punishable under section 395 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[In cases tried by Magistrates substitute "within my cognizance" for "within the cognizance of the Court of Session," and in (c) omit "by the said Court"].

(II)—CHARGES WITH TWO OR MORE HEADS.

(a) I, [name and office of Magistrate, &c.], hereby charge you [name of accused person] as follows:—

(b) First.—That you, on or about the day of , at , knowing a coin to be counterfeit, delivered the same to another person, by name A. B., as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the day of , at , knowing a coin to be counterfeit, attempted to induce another person, by name A. B., to receive it as genuine, and thereby committed an offence punishable under section 241 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(c) And I hereby direct that you be tried by the said Court on the said charge.

[Signature and seal of the Magistrate.]

[To be substituted for (b)]:—

(2) First.—That you, on or about the day of , at , committed murder by causing the death of , and thereby committed an offence punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the day of , at , by causing the death of , committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

(3) First.—That you, on or about the day of , at , committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Secondly.—That you, on or about the day of , at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Thirdly.—That you, on or about the day of , at , committed theft having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

Fourthly.—That you, on or about the day of , at , committed theft having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

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(Schedule V.—Forms.)

SCHEDULE V—continued.

(4) That you, on or about the _____ day of _____, at _____, in the course of the inquiry into _____, before _____, stated in evidence that "_____ and that you, on or about the _____ day of _____, at _____, in the course of the trial of _____, before _____, stated in evidence that "_____ one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Indian Penal Code, and within the cognizance of the Court of Session [or High Court].

[In cases tried by Magistrates substitute "within my cognizance" for within the cognizance of the Court of Session" and in (c) omit "by the said Court".]

(III)—CHARGE FOR THEFT AFTER PREVIOUS CONVICTION.

I, (name and office of Magistrate, etc.), hereby charge you (name of accused person) as follows:—
That you, on or about the _____ day of _____, at _____, committed theft, and thereby committed an offence punishable under section 379 of the Indian Penal Code, and within the cognizance of the Court of Session [or {High Court Magistrate} as the case may be].

And you, the said (name of accused), stand further charged that you, before the committing of the said offence, that is to say, on the _____ day of _____, had been convicted by the (state Court by which conviction was had) at _____ of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (describe the offence in the words used in the section under which the accused was convicted), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Indian Penal Code.

And I hereby direct that you be tried, etc.

XXIX.—WARRANT OR COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE.

(See sections 245 and 258.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS on the _____ day of _____, 18____, (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar for 18____, was convicted before me (name and official designation) of the offence of (mention the offence or offences concisely) under section (or sections) of the Indian Penal Code (or of Act _____), and was sentenced to (state the punishment fully and distinctly);

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (prisoner's name) into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this _____ day of _____, 18____.

(Seal.)

(Signature.)

XXX.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.

(See section 250.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS (name and description) has brought against (name and description of the accused person) the complaint that (mention it concisely), and the same has been dismissed as frivolous (or vexatious), and the order of dismissal awards payment by the said (name of complainant) of the sum of rupees _____ as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the moveable property of the said (name of complainant) and an order has been made for his simple imprisonment in jail for the period of _____ days, unless the aforesaid sum be sooner paid;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment), subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18____.

(Seal.)

(Signature.)

XXXI.—SUMMONS TO A WITNESS.

(See sections 68 and 252.)

To _____ of _____

WHEREAS complaint has been made before me that _____ of _____ has (or is suspected to have) committed the offence of (state the offence concisely with time and place) and it appears to me that you are likely to give material evidence for the prosecution;

The Code of Criminal Procedure, 1898.
(Schedule V.—Forms.)

SCHEDULE V.—*continued.*

You are hereby summoned to appear before this Court on the _____ day of _____ next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this _____ day of _____, 18 .

(Seal.)

(Signature.)

XXXII.—PRECEPT TO DISTRICT MAGISTRATE TO SUMMON JURORS AND ASSESSORS.

(See section 326.)

To the District Magistrate of _____

WHEREAS a Criminal Session is appointed to be held in the Court-house at _____ on the _____ day of _____ next, and the names of the persons herein stated have been duly drawn by lot from among those named in the revised list of jurors and assessors furnished to this Court; you are hereby required to summon the said persons to attend at the said Court of Session at 10 A.M. on the said date, and, within such date, to certify that you have done so in pursuance of this precept.

(Here enter the names of Jurors and Assessors.)

Given under my hand and the seal of the Court, this _____ day of _____, 18 .

(Seal.)

(Signature.)

XXXIII.—SUMMONS TO ASSESSOR OR JUROR.

(See section 328.)

To (name) of (place).

PURSUANT to a precept directed to me by the Court of Session of _____ requiring your attendance as an Assessor (or a Juror) at the next Criminal Session, you are hereby summoned to attend at the said Court of Session at (place) at ten o'clock in the forenoon on the _____ day of _____ next.

Given under my hand and the seal of office, this _____ day of _____, 18 .

(Seal.)

(Signature.)

XXXIV.—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH.

(See section 374.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS at the Session held before me on the _____ day of _____, 18, (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section _____ of the Indian Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the _____ Court of _____;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (prisoner's name) into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this _____ day of _____, 18 .

(Seal.)

(Signature.)

XXXV.—WARRANT OF EXECUTION ON A SENTENCE OF DEATH.

(See section 381.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS (name of prisoner), the (1st, 2nd, 3rd, as the case may be) prisoner in case No. _____ of the Calendar at the Session held before me on the _____ day of _____, 18, has been by a warrant of this Court, dated the _____ day of _____, committed to your custody under sentence of death; and whereas the order of the _____ Court of _____ confirming the said sentence has been received by this Court;

This is to authorise and require you, the said Superintendent (or Keeper) to carry the said sentence into execution by causing the said _____ to be hanged by the neck until he be dead, at (time and

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(Schedule V—Forms.)

SCHEDULE V—continued.

Place of execution), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXXVI.—WARRANT AFTER A COMMUTATION OF A SENTENCE.

(See sections 381 and 382.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at a Session held on the day of , 18 , *(name of prisoner)*, the (1st, 2nd, 3rd, as the case may be) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of punishable under section of the Indian Penal Code, and sentenced to and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is herewith annexed) the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life *(or as the case may be)*;

This is to authorise and require you, the said Superintendent (or Keeper), safely to keep the said *(prisoner's name)* in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

if the mitigated sentence is one of imprisonment, say, after the words "custody in the said jail" and there to carry into execution the punishment of imprisonment under the said order according to law."

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXXVII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.

(See section 386.)

To *(name and designation of the Police-officer or other person or persons who is or are to execute the warrant)*.

WHEREAS *(name and description of the offender)* was on the day of 18 , convicted before me of the offence of *(mention the offence concisely)*, and sentenced to pay a fine of rupees and whereas the said *(name)*, although required to pay the said fine, has not paid the same or any part, thereof;

This is to authorise and require you to make distress by seizure of any moveable property belonging to the said *(name)* which may be found within the district of ; and, if within *(state the number of days or hours allowed)* next after such distress the said sum shall not be paid *(or forthwith)*, to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XXXVIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(See section 480.)

To the Superintendent (or Keeper) of the Jail at

WHEREAS at a Court holden before me on this day *(name and description of the offender)* in the presence (or view) of the Court committed wilful contempt;

And whereas for such contempt the said *(name of offender)* has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of *(state the number of months or days)*;

This is to authorise and require you, the Superintendent (or Keeper) of the said Jail, to receive the said *(name of offender)* into your custody, together with this warrant, and him safely to keep in the said jail for the said period of *(term of imprisonment)*, unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of Court, this day of , 18 .

(Seal.)

(Signature.)

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V—continued.

XXXIX.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.

(See section 485.)

To (name and designation of officer of Court).

WHEREAS (name and description) being summoned (or brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (or certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (term of detention adjudged);

This is to authorise and require you to take the said (name) into custody, and him safely to keep in your custody for the space of _____ days unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18 _____.

(Seal.)

(Signature.)

XL.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY MAINTENANCE.

(See section 488.)

To the Superintendent (or Keeper) of the Jail at _____

WHEREAS (name, description and address) has been proved before me to be possessed of sufficient means to maintain his wife (name) [or his child (name), who is by reason of (state the reason) unable to maintain herself (or himself)] and to have neglected (or refused) to do so, and an order has been duly made requiring the said (name) to allow to his said wife (or child) for maintenance the monthly sum of rupees _____; and whereas it has been further proved that the said (name) in wilful disregard of the said order has failed to pay rupees _____; being the amount of the allowance for the month (or months) of _____; And thereupon an order was made adjudging him to undergo simple (or rigorous) imprisonment in the said jail for the period of _____;

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody in the said jail, together with this warrant, and there carry the said order into execution according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18 _____.

(Seal.)

(Signature.)

XLI.—WARRANT TO ENFORCE THE PAYMENT OF MAINTENANCE BY DISTRESS AND SALE.

(See section 488.)

To (name and designation of the Police-officer or other person to execute the warrant).

WHEREAS an order has been duly made requiring (name) to allow to his said wife (or child) for maintenance the monthly sum of rupees _____, and whereas the said (name) in wilful disregard of the said order has failed to pay rupees _____, being the amount of the allowance for the month (or months) of _____;

This is to authorise and require you to make distress by seizure of any moveable property belonging to the said (name) which may be found within the district of _____, and if within (state the number of days or hours allowed) next after such distress the said sum shall not be paid (or forthwith), to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said sum, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this _____ day of _____, 18 _____.

(Seal.)

(Signature.)

XLII.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.

(See sections 496 and 499.)

I, (name), of (place), being brought before the Magistrate of (as the case may be), charged with the offence of _____, and required to give security for my attendance in his Court and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate on every day of the preliminary inquiry into the said charge, and; should the case be sent for trial by the Court of Session, to be, and appear, before the said Court when called upon to answer the charge against me; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees _____.

Dated this _____ day of _____, 18 _____.

(Signature.)

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*SCHEDULE V.—*continued.*

I hereby declare myself (or We jointly and severally declare ourselves and each of us) surety (or sureties) for the said (name) that he shall attend at the Court of on every day of the preliminary inquiry into the offence charged against him, and, should the case be sent for trial by the Court of Session, that he shall be, and appear, before the said Court to answer the charge against him, and, in case of his making default therein, I bind myself (or we bind ourselves) to forfeit to Her Majesty the Queen, Empress of India, the sum of rupees

Dated this day of , 18 .

(Signature.)

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(See section 500.)

To the Superintendent (or Keeper) of the Jail at (or other officer in whose custody the person is).

WHEREAS (name and description of prisoner) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (or sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

This is to authorise and require you forthwith to discharge the said (name) from your custody, less he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.

(See section 514.)

To the Police-officer in charge of the Police-station at

WHEREAS (name, description and address of person) has failed to appear on (mention the occasion) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (the penalty in the bond); and whereas the said (name of person) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorise and require you to attach any moveable property of the said (name) that you may find within the district of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XLV.—NOTICE TO SURETY ON BREACH OF A BOND.

(See section 514.)

To of

WHEREAS on the day of , 18 , you became surety for (name) of (place) that he should appear before this Court on the day of , and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas the said (name) has failed to appear before this Court, and by reason of such default you have forfeited the aforesaid sum of rupees

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of , 18 .

(Seal.)

(Signature.)

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514.)

To of

WHEREAS on the day of , 18 , you became surety by a bond for (name) of (place) that he would be of good behaviour for the period of and bound yourself in default thereof to forfeit the sum of rupees to Her Majesty the Queen, Empress of India; and whereas

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*

SCHEDULE V—continued.

the said (name) has been convicted of the offence of (mention the offence concisely) committed since you became such surety, whereby your security-bond has become forfeited;

You are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of 18 .
(Seal.) (Signature.)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY.

(See section 514.)

To of

WHEREAS (name, description and address) has bound himself as surety for the appearance of (mention the condition of the bond), and the said (name) has made default, and thereby forfeited to Her Majesty the Queen, Empress of India, the sum of rupees (the penalty in the bond);

This is to authorise and require you to attach any moveable property of the said (name) which you may find within the district of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18 .
(Seal.) (Signature.)

XLVIII.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

(See section 514.)

To the Superintendent (or Keeper) of the Civil Jail at

WHEREAS (name and description of surety) has bound himself as a surety for the appearance of (state the condition of the bond) and the said (name) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen, Empress of India; and whereas the said (name of surety) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of moveable property of his, and an order has been made for his imprisonment in the civil jail for (specify the period);

This is to authorise and require you, the said Superintendent (or Keeper), to receive the said (name) into your custody with this warrant and him safely to keep in the said jail for the said (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of 18 .
(Seal.) (Signature.)

XLIX.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(See section 514.)

To (name, description and address).

WHEREAS on the day of 18 , you entered into a bond not to commit, etc., (as in the bond), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of 18 .
(Seal.) (Signature.)

L.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

(See section 514.)

To (name and designation of Police-officer), at the Police-station of

WHEREAS (name and description) did, on the day of 18 , enter into a bond for the sum of rupees , binding himself not to commit a breach of the peace, etc. (as in the bond) and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure moveable property belonging to the said (name) to the value of rupees which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of 18 .
(Seal.) (Signature.)

*The Code of Criminal Procedure, 1898.**(Schedule V.—Forms.)*SCHEDULE V.—*concluded.*

LI.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.

*(See section 514.)*To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the civil jail for the period of (*term of imprisonment*);

This is to authorise and require you, the said Superintendent (*or* Keeper) of the said civil jail, to receive the (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*); and to return that warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

*(Seal.)**(Signature.)*

LII.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(See section 514.)

To the Police-officer in charge of the Police-station at

WHEREAS (*name, description and address*) did, on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of and, if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of , 18

*(Seal.)**(Signature.)*

LIII.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

*(See section 514.)*To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name, description and address*) did, on the day of , 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen, Empress of India, the sum of rupees and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the civil jail for the period of (*term of imprisonment*);

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (*term of imprisonment*), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of , 18

*(Seal.)**(Signature.)*

STATEMENT OF OBJECTS AND REASONS.

It has been usual to consolidate and amend the law relating to Criminal Procedure at the end of successive decades. Thus the first Code of Criminal Procedure Act, XXV of 1861, was succeeded by Act X of 1872 and the latter was followed by Act X of 1882.

Since 1882 there have been passed sixteen Acts all relating to Criminal Procedure and many of them expressly amending the Code of 1882.

Act III of 1884.
 " X of 1886.
 " V of 1887.
 " XIV of 1887.
 " I of 1889.
 " V of 1889.
 " XIII of 1889.
 " III of 1891.
 " IV of 1891.
 " X of 1891.
 " XII of 1891.
 " III of 1894.
 " X of 1894.
 " IV of 1895.
 " V of 1896.
 " XIII of 1896.

In addition to this, several matters have been brought to the notice of the Government of India in regard to necessary amendments of the law, which have been deferred until the periodical amendment of the Code shall have been undertaken. The Law Reports also have shown many defects and difficulties in administering the law and occasionally contradictory interpretations by the High Courts in giving it effect.

On these considerations the Government, of India have determined again to consolidate and amend the law relating to Criminal Procedure. Such alterations as have been made in the present law are printed in italics, and the material amendments it is proposed to introduce are referred to in the notes on clauses given below. Where changes have been made in the numbering of existing sections, their former numbers have been given on the margin.

Notes on Clauses.

Clause 1.—It is proposed to enable a Local Government, with the sanction of the Governor General in Council, to extend such portions of the Code as may be necessary to the police of Presidency towns in addition to those already expressly extended, as some inconvenience has been felt from the restriction imposed by the present law.

Clause 3.—As Joint Sessions Judges and Additional Sessions Judges indicate the same class of judicial officers, it is proposed to abandon the former term.

Clause 4.—The definitions have been arranged alphabetically.

(1) The definition of "accused" has been extended so as to include all persons against whom proceedings may be taken or are sought to be taken under the Code, as for instance, proceedings taken for security for good behaviour or to keep the peace, which closely resemble trials for specific offences to which at present the expression is limited.

The alteration of the definitions of "inquiry (m)" and "trial (j)" restores the definitions of those terms under the former Code of 1872 so as to distinguish between an inquiry and a trial.

The alterations in the other definitions call for no special mention, but certain definitions given in the Code of 1882 are omitted, as they are now included in the General Clauses Act, 1897.

Clause 5.—The amendment makes section 5 more complete so as to make the Code apply to proceedings before the police (investigations), as well as to inquiries and trials which are proceedings before judicial officers.

Clause 10.—This amendment, which has been suggested by the Punjab Government, will enable a Local Government to appoint an additional District Magistrate for a term not exceeding three months to meet an emergency which may require the entire attention of the District Magistrate.

Clause 17 (4).—This is intended to provide for unforeseen accidents which may incapacitate a Sessions Judge.

Clause 21 (e).—It is here proposed to give the Chief Presidency Magistrate the same general powers of control over other Presidency Magistrates as are now vested in a District Magistrate over other Magistrates in the District.

Clause 23.—It is proposed to give the Government of Bengal sole power to appoint Justices of the Peace for Calcutta as is now exercised by the Governments of Madras and Bombay in respect of those Presidency-towns. The power conferred under previous Codes concurrently on the Governor General in Council has not been exercised for many years and need not be retained.

Clause 28.—This amendment is merely a matter of drafting to remedy an inaccuracy of expression brought to notice.

Clause 29.—This amendment will make the section correspond more accurately with the last portion of Schedule II to which it relates.

Clauses 31 and 34.—It is proposed to give an Additional Sessions Judge the same powers as a Sessions Judge in regard to passing orders on a reference from an Assistant Sessions Judge.

Clause 35.—The amendments are calculated to make the law more clear in respect of the difference between separable offences dealt with under section 71, Indian Penal Code, and distinct offences for which separate and additional sentences may be passed beyond the ordinary powers of a Magistrate.

Clause 40.—An illustration has been added to explain more clearly the proper interpretation of this section.

Clause 41.—As many powers may be conferred on Subordinate Magistrates by a District Magistrate, it is proposed to enable such a Magistrate to withdraw all or any of such powers in the same manner as the law now empowers a Local Government.

Clause 42.—This amendment merely reproduces section 128, and will more conveniently in one place set out the obligations of the public to assist a Magistrate and Police-officer on their demand.

Clause 44.—The new clause is necessary in regard to the giving of information of offences committed or intended to be committed in Native States, especially on the borderland of British India.

Clause 54, para. (1), last clause.—This repeats a portion of section 566, which for completeness it is proposed to insert here also.

Para. (3).—This addition has been suggested by the Government of Bombay and is necessary in consequence of the case of *Empress v. Bojjigan*, I. L. R., 5 Mad. 22, in which it was held that a village-chowkidar was not a Police-officer competent within the terms of this section to arrest without a warrant, and that therefore an escape from such custody, not being from lawful custody, was no offence.

Clause 57.—This section has been recast at the instance of the Government of India and with the approval of the Local Governments so as to provide a procedure which may be applicable to the case of a person resident in a Native State who is accused of having committed a non-cognizable offence in British India.

Clause 61.—This amendment is intended to show that the period of detention in police custody commences from the time that the person arrested is put in charge of a regular police-officer and not of a village police-officer, otherwise the term of lawful detention will have expired in many cases before it has been possible to commence a police investigation.

Clause 69.—This amendment provides for service of summons on a company or other body corporate in such cases as public nuisances under Chapter X.

Clauses 83, 85 and 86.—"District Superintendent of Police" has been added to these sections as matters falling within them properly come before him and need not come only before a Magistrate.

Clause 88, para. (4).—It is here proposed to give discretionary power to sell live stock or property of a perishable nature which may have been attached.

Para. (7).—The inconvenience of not providing for the summary adjudication of claims to property attached has been shown in several reported cases, and there is no reason why a Magistrate should not in this respect have the same power as a Civil-Court. Hence this amendment.

Clause 96, para. (2).—The insertion of the words "or parcel or other thing" is intended to authorise search-warrants for postal parcels.

Clause 102.—This amendment will make a search-warrant more effective by enabling the search of a person in or about the place on whom there may be reasonable suspicion that any article sought for is concealed.

Clause 106.—As reported cases have been contradictory in regard to the exercise of powers under this section, the doubt has been removed by expressly extending it to Courts of Appeal or Revision. The words "by threatening injury to person or property," which occur after the words "criminal intimidation," have been omitted.

Clause 107.—The amendments express more clearly what has been the general interpretation of this section and what its scope should be.

Clause 109.—In this provision the period of six months has been raised to twelve, which brings the period into accord with that fixed by section 107 of the present Code.

Clause 110.—These amendments have been proposed to make this section more complete. They are taken from clause 2 of the Habitual Offenders Bill, which it is proposed to abandon. Sub-clause (f) reproduces a part of the corresponding section of the Code of 1872, as its omission has been found to be inconvenient.

Clause 117, para. (2).—This amendment will enable a Magistrate in one proceeding to deal with two or more persons associated in the same matter which is under inquiry relating to security for good behaviour or to keep the peace.

Clause 118.—The provisos are intended to admit of an order for police supervision (see clause 565) being passed where that is deemed more appropriate than an order requiring security.

Clause 122.—It is here proposed, by omitting the words "for good behaviour," to extend the power of refusing any surety to cases of security to keep the peace.

Clause 123.—It is proposed to omit the last portion of the first clause and by the addition of another clause to deprive the Superintendent of a Jail of the power of determining the sufficiency of security tendered and thereupon releasing the particular person from prison, as this is inconsistent with section 122 and the Superintendent is not a proper person to determine such a matter. The second clause provides the course to be taken when security is tendered to the Superintendent.

Clause 124.—It is first proposed to limit the exercise of these powers in Presidency-towns to the Chief Presidency Magistrate and next to enlarge the operation of the section to mitigation of the particular order.

Clause 125.—This is merely an extension of the present law in regard to security to an order for police supervision.

Clause 123.—It is proposed to extend to all persons acting under Chapter IX the same protection as is now given only to a Magistrate in regard to requiring the sanction of the Governor General in Council before they can be prosecuted for anything purporting to have been done while so acting. The words "under military law" have been omitted as being unnecessary.

Clause 144.—It is proposed to give a Chief Presidency Magistrate power to act under this section.

Clause 145.—As much inconvenience and difficulty has been experienced in acting under this section in consequence of the expression "tangible immoveable property" substituted in the present law for the terms previously used, it is proposed to revert to the latter; and as the collection of rent is generally the means by which possession of land is asserted and maintained, and is a fruitful source of dispute generally resulting in a breach of the peace, it is proposed to extend the section to such matters.

Reported cases have shown that the time of the possession to be determined by the order of the Magistrate is doubtful. This is now made clear.

It is also proposed to declare that, unless either of the parties has at the hearing disputed the Magistrate's finding that there was a dispute likely to cause a breach of the peace within the terms of the first clause, the matter shall not be raised hereafter so as to affect the final order passed.

Clause 146.—This amendment will remedy a difficulty found to exist regarding the management of property under attachment. It will apply the rule already existing in regard to property attached under section 88.

Clause 147.—As in the amendment of section 145, it is proposed to revert to the terms of the former law in preference to the expression "tangible immoveable property" in the present Code.

The amendment of the proviso reproduces the terms of the Code of 1872, the omission of which is a defect in the present law.

Clause 156, para. (2).—This will enable a Magistrate to order the investigation of a cognizable offence. The present law does not expressly provide for this. The power to pass such an order has been limited to Magistrate empowered, under section 191, to take cognizance of an offence.

Clause 157.—This amendment will require a police-officer who declines to investigate a cognizable offence to inform the complainant so that he may proceed to complain to the Magistrate if so advised.

Clause 160.—The proviso declares the course to be taken by a police-officer in regard to the attendance of a parda lady at an investigation.

Clause 162.—This amendment will make statements recorded by a police-officer part of the diary, and therefore not open to inspection by the accused or his agents.

Clause 164.—The explanation added to this section makes it clear that any Magistrate may record a statement or confession, and that it will not be necessary that he should have jurisdiction to inquire into or try the particular case.

Clause 169, para. (2).—This will make this section more complete.

Clause 174.—It has been represented that it is often not possible for the police-officer in charge of a police station to hold an inquest in consequence of the press of other important work or from local considerations. It is proposed to give Local Governments power to appoint special police officers for such purposes.

Paragraph clause.—This will enable the Local Government to appoint a Medical Officer not in the regular service of Government to hold a *post-mortem*.

Paragraph clause.—This will provide for inquiries into deaths of prisoners in jail.

Clause 188, para. (3).—Some drafting amendments have been made in this provision to bring it into accord with the Acts of Parliament which give extra-territorial jurisdiction, and provision has been made for requiring the sanction of the Local Government in cases of prosecution for offences committed in places for which there is no Political Agent.

Clause 190, para. (3).—An objection to the proceedings before any particular Magistrate should be taken at the earliest stage and before evidence has been taken. Hence this amendment.

Clause 192.—The power conferred on a District Magistrate in regard to cases before Subordinate Magistrates is here given to a Chief Presidency Magistrate to transfer any case from his Court to that of any other Presidency Magistrate.

Clause 193, last para.—This has been added for administrative convenience.

Clause 194, para. (2).—Act X of 1875, section 144, is here inserted. Section 146, the other unrepealed section of that Act, is sufficiently covered by section 333 of the Code.

Clause 195.—In order to meet conflicting judgments of the High Courts, and because the Registration Act sufficiently deals with such matters, it is proposed to declare that proceedings under that Act do not fall within this section. It is also proposed to bring within section 195 abetments of or attempts to commit any of the offences specified. Lastly, as the High Courts have not been concurrent in regard to the power to extend the period for making a complaint on sanction obtained, it is proposed expressly to give such power, but only to a High Court, for good cause shown.

Clauses 203 and 209.—The additions to these sections are necessary to enable a Court of Revision to act under section 437.

Clause 225, para. (2).—This requires an objection to any matter connected with the charge to be made at the earliest opportunity, and provides also that, if it is not so made, it is barred on appeal or revision.

Clauses 227 and 231.—These amendments will settle the law as laid down in contradictory judgments of the High Courts—see I. L. R., 8 Bom. 200, and I. L. R., 9 All. 525.

Clause 234, para. (2).—This has been inserted to meet the case of a series of embezzlements extending over some time when there is a balance proved to have been embezzled, but the prosecution cannot show the exact amount or date of any particular embezzlement.

Clause 236, illustration (b).—This is proposed to settle the law that contradictory statements by a witness which are irreconcilable constitute the offence of intentionally giving false evidence, though it cannot be proved which of the two statements is false.

Clause 237.—By this it is intended to show that on a charge for a specific offence a man may be convicted of an attempt to commit that offence without a charge of such attempt.

Clause 256.—It is here intended to prevent a second cross-examination when there has been already a cross-examination on the facts constituting the charge before it has been drawn up, and thus to prevent a common abuse of this privilege.

Clause 257.—The discretion to be given to a Magistrate under this amendment is proposed with the same object.

Clause 260, sub-clause (1).—This will include amongst cases triable summarily cases under the Cattle-trespass Act, 1871, which it has been held are not so triable.

Para. (2).—This applies *mutatis mutandis* to the course to be taken in cases coming within section 209.

Clause 269, para. (2).—This will empower a Local Government to prescribe generally or specially in what place or places a Court of Session shall be held.

Clause 292.—This is intended to prevent a right of reply on the part of the prosecution where the only evidence tendered by the defence has been on the cross-examination of a witness for the prosecution. On this point the judgments of the High Courts have differed.

Clause 310.—The new sub-clause (c) is intended to settle a doubt which has been expressed, by declaring that in a case tried with the assistance of assessors it is unnecessary to record and deliver a judgment on the substantive charge before proceeding to try a charge of aggravation of the offence or offences charged and found by reason of any previous conviction or convictions.

Clause 318.—It is proposed to limit to six months the term for which a High Court may sentence a juror for failure without lawful excuse to attend or for departure without permission of the Court, and also expressly to declare that such Court may, in its discretion, remit any fine or imprisonment inflicted.

Clause 320, sub-clause (d).—Police-officers have been added to the list of those exempt from attendance as jurors or assessors. It will be for consideration whether Legal Practitioners should not also be exempt as in England.

Clause 332.—Discretion to remit or reduce any fine or imprisonment imposed on a juror or assessor failing without lawful excuse to attend or departing without permission is given to a Court of Session as is already given in ordinary cases of contempt of Court by section 484.

Clause 345.—Offences under sections 325, 428, 429, and 430, Indian Penal Code, have been added to the list of those which may, with the permission of the Court, be compounded.

Para. (5).—It is proposed that after a commitment to the Court of Session or when after a conviction an appeal has been preferred, no offence shall be compounded without leave of the Court to which the case has been committed or before which the appeal is to be heard.

Clause 380, sub-clause (e).—This has been added so as to make it clear that a Court of Session in a case so referred is competent to direct the case to be committed for trial to that Court if it is of opinion that the sentence which can be passed on the case so referred is inadequate or that it is otherwise desirable for the ends of justice that such a trial shall be held.

Clause 388 (2).—This is intended to apply to such a case as that of an order for compensation under section 560 in which an alternative sentence of imprisonment cannot be passed until it has been found that the amount cannot be recovered by distress, as in the case of a fine, by enabling the Court to require the execution of a bond for the attendance of the person fined on the day fixed for the return of the warrant for distress.

Clause 391.—It is proposed to enact that, unless a sentence of imprisonment not less than for three months is passed, a Court shall not be competent to pass an additional sentence of whipping.

Clause 399.—The substitution of "fifteen" for "sixteen" brings this provision into accord with the Reformatory Schools Act, 1897.

Clause 401.—This clause is to enable the different Governments to make rules for respites in emergent cases, so that execution of a sentence, especially one of death, may be suspended until the orders of Government shall have been received on a petition made to it by the convicted person.

Clause 406.—The addition here is to provide for an appeal against an order for police supervision.

Clause 423, sub-clause (d).—This is necessary to give effect to the amendment of section 106.

Clause 439, last para.—If the person affected has the right of appeal, he should not be allowed to move a Court of Revision without having previously applied for relief to the Appellate Court. Hence this amendment.

Clause 465.—The object of this amendment is to enable statements of witnesses to be recorded during the incapacity of an accused to stand his trial by reason of unsoundness of mind, as otherwise such evidence may be lost. The procedure (section 512) in the case of an absconding accused has been applied.

Clause 471, para. (3).—This will enable the Governor-General in Council to deal with such matters by general orders instead of requiring specific orders in each case. This is necessary especially in cases of persons whose confinement in a lunatic asylum may have been ordered by a Court in a Province where no lunatic asylum has been established. Para. (4) reproduces section 475-B of the present Code.

Clause 476, last para.—The reported cases show that it is undesirable in the ends of justice that a Court of Revision should interfere in such matters with the discretion of a Court in proceedings before it. Ample opportunity is given to make *bond fide* objections when criminal proceedings have been instituted. Hence this clause.

Clause 480.—The addition of section 174 of the Indian Penal Code will enable a Court to deal summarily as a contempt of Court with the case of a witness who may unlawfully depart from such Court.

Clause 488, para. (2).—This will enable a Magistrate to order maintenance to be paid from the date of the complaint and not only from the date of his order.

Para. 3, proviso.—The alteration of the concluding words will give a Magistrate larger discretion in making an order for maintenance. This is necessary because under a reported case a wife may be compelled to live with her husband or lose the right to separate maintenance even when the husband may be cohabiting with another woman so long as she is not a married woman so as to constitute the offence of adultery within the terms of the Indian Penal Code—see I. L. R., 17 Mad. 260.

Para. (6).—The proviso here will enable a Magistrate to proceed and pass an *ex-parte* order for maintenance in the contumacious absence of the person summoned; provision is also made for the re-opening of such a case.

Para. (7).—This will enable the person summoned to have himself examined as a witness on his own behalf, and will also enable a Magistrate to pass an order as to cost in a maintenance case.

Para. (8).—This declares the jurisdiction of a Magistrate in such a case. The reported cases are doubtful on this point.

Clause 498.—It is left over for consideration whether, having regard to the provisions of section 426, the words "or Court of Session" should not be omitted.

Clause 514.—These amendments will enable proceedings to be taken against the estate of a deceased surety where his liability accrued before his death.

Clause 517.—The operation of this section has been enlarged so as to enable a Magistrate to pass orders for the disposal of any property produced before him.

Clause 520.—This will enable a Superior Court to give effect to an order setting aside the order of the Court of first instance, if that order has been carried out, by directing the restitution of the property.

Clause 526.—This amendment will enable a High Court to pass an order for the transfer of a case on a reference made by an inferior Court with the consent of the parties concerned without a formal motion or affidavit, and will generally in such cases extend the powers of a High Court.

Clause 526, para. (8).—It has been found necessary to give some discretion to a judicial officer in such a case as the power of requiring postponement or adjournment of an inquiry or trial has not unfrequently been abused.

Clause 528.—This amendment has been made so as to enable a District Magistrate in Madras to transfer a case from a Village Magistrate, as it has been held that under the existing law he cannot do so.

Clause 533.—It is proposed to declare that this section applies to a Court of Appeal or Revision.

Clause 537.—This clause has been enlarged so as to apply to a case which has not been finally disposed of so as to meet the objection raised in I. L. R., 23 Cal. 983.

Clause 555, Explanations and Illustration.—These additions have been made to meet the objections raised in I. L. R., 23 Cal. 328, I. L. R., 19 Mad. 263, and other similar cases.

Clauses 561, 562 and 563.—These clauses are new and enable certain Magistrates in specified cases to abstain from passing sentence on a first offender on conditions. They also provide for the course to be taken on failure to fulfil these conditions.

Clauses 564 and 565.—These clauses are new and provide for police supervision in regard to habitual offenders.

Schedule II.

Sections 263A and 477A.—Offences created by Act III of 1895 for which no provision was made in the Code of Criminal Procedure have been entered.

Offences under sections 409, 417, 418, 419, and 420 have been made cognizable offences by an alteration in column 3 on the recommendation of the Government of Madras.

A similar amendment has been made in respect of forgery, sections 465, *et seq.*, as the necessity in Presidency-towns has been represented.

M. D. CHALMERS.

The 14th October 1897.

J. M. MACPHERSON,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 6, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th November, 1897 :

NO. 19 OF 1897.

A Bill to further amend the Petroleum Act, 1886.

WHEREAS it is expedient to further amend XII of 1886, the Petroleum Act, 1886; It is hereby enacted as follows :

Short title and commencement. I. (1) This Act may be called the Petroleum Act, 1897; and

(2) It shall come into force at once.

XII of 1886. 2. In section 3 of the Petroleum Act, 1886,

Substitution of new definition of "petroleum" in section 3, Act XII, 1886. for clause (1) the following shall be substituted, namely :

'(1) "petroleum" includes also—

(a) the liquids commonly known by the names of rock oil, Rangoon oil, Burma

oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline and benzine;

(b) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum; and

(c) any liquid or viscous mixture with other substances of any of the liquids aforesaid :

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer :'.
3. To section 4 of the said Act the following

Addition of new sub-section to section 4, Act XII, 1886. sub-section shall be added, namely :

"(3) The Governor General in Council may, by notification in the official Gazette, alter or add to the schedule to this Act by prescribing new or varied tests, and directions for preparing and using them; and all references in this Act to the schedule, when altered or added to, shall be construed as referring to the schedule as so altered or added to for the time being."

STATEMENT OF OBJECTS AND REASONS.

THE necessity for taking precautions to meet the case of the importation, possession or transport of paints, varnishes and other similar substances containing inflammable material has been brought to the notice of the Government of India and formed the subject of correspondence with Her Majesty's Secretary of State. It is in consequence now proposed, by clause 2 of this Bill, to make the provisions of the Petroleum Act, 1886 (XII of 1886), apply to such substances by extending the definition of "petroleum" so as to include any liquid or viscous mixture with other substances of any of the liquids already referred to therein. The opportunity has, it will be observed, been taken to improve the form of the whole definition, but the only material alteration consists in the addition of the words which have, for the sake of convenience, been italicised.

2. Experience has also shown that there are tests and apparatus, other than those prescribed by the Schedule to the Act, which might with advantage be used in certain cases. The addition to section 4 contemplated by clause 3 of the Bill is, therefore, designed to enable the Governor General in Council from time to time, by notification in the Gazette of India, to alter or add to that Schedule.

The 27th October, 1897.

C. M. RIVAZ.

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th November, 1897 :

No. 20 OF 1897.

THE INDIAN POST OFFICE BILL.

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*The Indian Post Office Bill.**(Chapter I.—Preliminary.—Sections 1-3. Chapter II.—Privilege and Protection of the Government.—Section 4.)*

[The marginal references to the "Eng. Bill" are references to the English Post Office Consolidation Bill.]

A Bill to consolidate and amend the Law relating to the Post Office in India.

WHEREAS it is expedient to consolidate and amend the law relating to the Post Office in India; It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Short title, extent, Post Office Act, 1898. application and commencement.

(2) It extends to the whole of British India, inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti; and it applies also to—

- (a) all Native Indian subjects of Her Majesty in any place without and beyond British India;
 - (b) all other British subjects within the territories of any Native Prince or Chief in India; and
 - (c) all servants of the Queen, whether British subjects or not, within the territories of any Native Prince or Chief in India.
- (3) It shall come into force on the day of 1898.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression "Director General" means the Director General of the Post Office of India:

[New.] (b) the expression "inland," used in relation to a postal article, means—

- (i) posted in British India and addressed to any place in British India or to any place for which a post office is established by the Governor General in Council beyond the limits of British India; or
- (ii) posted at any post office established by the Governor General in Council beyond the limits of British India and addressed to any place for which any such post office is established or to any place in British India:

[New.] (c) the expression "mail bag" includes a bag, box, parcel or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article:

[New.] (d) the expression "mail ship" means a ship regularly employed for carrying mails, whether under contract or not, by the Government of India or Her Majesty's Government or the Government of any British possession or foreign country:

[New.] (e) the expression "officer of the Post Office" includes any person employed in any

business of the Post Office or on behalf of the Post Office:

- (f) the expression "postage" means the duty chargeable for the transmission by post of postal articles: [New. Cf. *ibid.*]
- (g) the expression "postage stamp" means any stamp provided by the Governor General in Council for denoting postage or other fees or sums payable in respect of postal articles under this Act, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article: [New.]
- (h) the expression "post office" includes every house, building, room, carriage or place used for the purposes of the Post Office, and every letter-box provided by the Post Office for the reception of postal articles: [New. Cf. Eng. Bill, cl. 88.]
- (i) the expression "postal article" means a letter, postcard, reply postcard, newspaper, book, pattern or sample packet, parcel, and every article or thing transmissible by post: [New. Cf. "definition of postal packet" in *ibid.*]
- (j) the expression "Post Master General" includes a Deputy Post Master General or other officer exercising the powers of a Post Master General: and [New.]
- (k) the expression "the Post Office" means the department presided over by the Director General of the Post Office.

Meanings of "in course of transmission by post" and "delivery" 3. For the purposes of this Act,—

- (a) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the addressee: [New. Cf. 47 & 48 Vict., c. 76, s. 19; and Eng. Bill, cl. 89.]
- (b) the delivery of a postal article of any description to a letter-carrier or other person authorized to receive postal articles of that description for the post shall be deemed to be a delivery to a post office; and
- (c) the delivery of a postal article at the house or office of the addressee, or to the addressee or his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, shall be deemed to be delivery to the addressee.

CHAPTER II.

PRIVILEGE AND PROTECTION OF THE GOVERNMENT.

4. Wherever within British India posts or postal communications are established by the Governor General in Council, the Governor General in Council shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say:

- (a) letters sent by a private friend in his way, journey or travel, to be delivered by

The Indian Post Office Bill.

(Chapter II.—*Privilege and Protection of the Government.*—Sections 5-6.
Chapter III.—*Postage.*—Sections 7-10.)

him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;

- (b) letters solely concerning the private affairs of the sender or receiver thereof, sent by a messenger on purpose; and
- (c) letters solely concerning goods or property, sent either by sea or by land to be delivered with the goods or property which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them:

Provided that nothing in this section shall authorize any person to make a collection of letters excepted as aforesaid for the purpose of sending them in the manner hereby authorized.

[Cf. XIV of 1866, s. 6; 7 Will. 4 and 1 Vict., c. 33, s. 2; and Eng. Bill, cl. 34 (3).] 5. Wherever within British India posts or postal communications are established by the Governor General in Council, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say:

- (a) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages; and
- (b) owners and masters of vessels sailing or passing on any river or canal in British India, or between any ports or places in British India, and their servants or agents, except as regards letters solely concerning goods on board, and except as regards postal articles received for conveyance under Chapter VIII.

[Cf. XIV of 1866, s. 65.] 6. The Secretary of State for India in Council shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken by the Governor General in Council as hereinafter provided; and no officer of the Post Office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default.

CHAPTER III.

POSTAGE.

[New. Cf. Eng. Bill, cl. 2.] 7. (1) The Governor General in Council may, by notification in the Gazette of India, fix the rates of postage and other sums to be charged in respect of postal articles sent by the inland post under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged:

Provided that the highest rate of postage, when prepaid, shall not exceed the rates set forth for each class of postal articles in the first schedule.

(2) Unless and until such notification as aforesaid is issued, the rates set forth in the said schedule shall be the rates chargeable under this Act.

8. (1) The Governor General in Council may make rules as to book, pattern and sample packets, the prepayment of postage, and the payment of postage or fees on the redirection and "express delivery" of postal articles. [Cf. XIV of 1866, ss. 19 and 24; 4 Vict., c. 35, s. 43; and Eng. Bill, cl. 2 (2) (4).]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what packets may be sent by the inland post as packets within the meaning of this Act;
- (b) require the prepayment of postage on inland postal articles or any class of inland postal articles, and the manner in which prepayment shall be made;
- (c) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid;
- (d) provide for the redirection of postal articles, and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules; and
- (e) prescribe the fees to be charged for the "express delivery" of postal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

Explanation.—"Express delivery" means delivery by a special messenger or conveyance.

9. (1) The Governor General in Council may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers. [New. Cf. Eng. Bill, cl. 20.]

(2) For the purpose of such registration, every publication, consisting wholly or in great part of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely:

- (a) that it is published in numbers at intervals of not more than thirty-one days; and
- (b) that it has a *bond fide* list of subscribers.
- (2) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper:

Provided that no such extra or supplement shall be so deemed unless it consists wholly or in great part of matter like that of the newspaper and has the title and date of publication of the newspaper printed at the top of each page.

Explanation.—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by the inland post.

10. Where arrangements are in force with the United Kingdom, or with any British possession or foreign country, for the transmission by post of postal articles between British India and the United Kingdom or such possession or country, the Governor General in Council may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles, and may make rules as to the scale of weight, terms and conditions subject to which the rates so declared shall be charged. [New.]

The Indian Post Office Bill.

(Chapter. III.—Postage.—Sections 11-15. Chapter IV.—Postage Stamps.—Sections 16-17. Chapter V.—Conditions of Transmission of Postal Articles.—Sections 18-19.)

XIV of 1866, s. 11. (1) The addressee of a postal article on which postage or any other sum chargeable under this Act is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the postal article, unless he forthwith returns it unopened.

(2) If the postal article is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

XIV of 1866, s. 28.] 12. If any person refuses to pay any postage or other sum due from him under this Act in respect of any postal article, the sum so due may, on application made by an officer of the Post Office authorized in this behalf by the written order of the Post Master General, be recovered for the use of the Post Office from the person so refusing, as if it were a fine imposed under this Act, by any Magistrate having jurisdiction where that person may for the time being be resident; and the Post Master General may further direct that any other postal article, not being on Her Majesty's service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

XIV of 1866, s. 67.] 13. Where a postal article on which any duty of customs is payable, has been received by post from any place beyond the limits of British India and the duty has been paid by the postal authorities at any customs-port or elsewhere, the amount of the duty shall be recoverable as if it were postage due under this Act.

14. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article,—

- (a) the production of the postal article, having thereon the official mark of the Post Office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so denoted; and
- (b) the person from whom the postal article purports to have come, shall, until the contrary is proved, be deemed to be the sender thereof.

15. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office of British India or to the Post Office of the United Kingdom or of any British possession or foreign country shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

CHAPTER IV.

POSTAGE STAMPS.

XIV of 1866, s. 36. 16. (1) The Governor General in Council shall cause postage stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Act.

(2) The Governor General in Council may make rules as to the supply, sale and use of postage stamps.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the price at which postage stamps shall be sold;
- (b) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act;
- (c) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other sums;
- (d) regulate the custody, supply and sale of postage stamps;
- (e) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold; and
- (f) prescribe the duties and remuneration of persons selling postage stamps.

17. Postage stamps provided under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Indian Penal Code, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act, in respect of postal articles, except where the Governor General in Council directs that prepayment shall be made in some other way.

CHAPTER V.

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES.

18. (1) The Governor General in Council may, by rule, provide for the redelivery to the sender, without reference to the consent of the addressee and subject to such conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post.

19. (1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Post Office.

*The Indian Post Office Bill.**(Chapter V.—Conditions of Transmission of Postal Articles.—Sections 20-27.)*

[New. Cf. 47 & 48 Vict., c. 76, s. 4; and Eng. Bill, cl. 16.] 20. No person shall send by post any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article, or any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, defamatory or grossly offensive character.

[New. Cf. 38 & 39 Vict., c. 22, s. 3; and Eng. Bill, cl. 12.] 21. (1) The Governor General in Council may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) provide for the granting receipts for, and the granting and obtaining certificates of posting and delivery of, postal articles, and the sums to be paid, in addition to any other postage, for such receipts and certificates; and

(b) regulate covers, form, dimensions, maximum weight and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.

[New. Cf. 33 & 34 Vict., c. 73, s. 27; and Eng. Bill, cl. 15.] 22. (1) Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of book, pattern or sample packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Governor General in Council may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

[New. Cf. Eng. Bill, cl. 37.] 23. (1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Governor General in Council may, by rule, direct.

(2) Any officer in charge of a Post Office or authorised by the Post Master General in this behalf may open or unfasten any newspaper or any book, pattern or sample packet, in course of transmission by post which he suspects to have been sent by post in contravention of any of the provisions of this Act.

(3) Any postal article known or suspected to be sent by post in contravention of the provisions of section 19 or section 20 may, if necessary, be opened and the article itself or its contents destroyed under the authority of the Post Master General.

[Cf. XIV of 1866, s. 60; 3 & 4 Vict., c. 96, s. 65; and Eng. Bill, cl. 28.] 24. Where a postal article, suspected to contain any contraband goods or anything liable to duty, is received for delivery at any post office, the officer in charge of the post office shall send a notice

in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or, if the addressee or his agent fails to attend as aforesaid, then in his absence, open and examine the postal article:

Provided, first, that, if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided, secondly, that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Post Master General:

Provided, thirdly, that nothing in this section shall prevent the detention of parcels, received by post from any place beyond the limits of British India, at the customs-port or other place at which they are received, and the opening of parcels so received by the Customs-authorities for the purpose of levying any duty of customs.

25. Where a notification has been published under section 19 of 1866, s. 60A, the Sea Customs Act, VIII of 1878, in respect of any goods of any specified description, any officer of the Post Office empowered in this behalf by the Governor General in Council may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all such goods found to such officer as the Governor General in Council may appoint in this behalf, and such goods may be disposed of in such manner as the Governor General in Council may direct.

26. (1) On the occurrence of any public emergency, or in the interest of the public safety or tranquillity the Governor General in Council, or a Local Government, or any officer specially authorized in this behalf by the Governor General in Council, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be delivered to the Government or to an officer thereof mentioned in the order, to be disposed of in such manner as the Governor General in Council may direct.

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquillity, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

27. (1) Where a postal article is received by post from any place beyond the limits of British India—

(a) bearing a fictitious postage stamp, that is to say, any facsimile or imitation or representation of a postage stamp; or

Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

*The Indian Post Office Bill.**(Chapter VI.—Registration, Insurance and Value-payable Post.—Sections 28-34.)*

(b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article; the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(2) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, or, if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Governor General in Council may direct.

Explanation.—For the purposes of this section, the expression "postage stamp" includes any postage stamp for denoting any rate or duty of postage of any part of Her Majesty's dominions or of any Native State or foreign country.

CHAPTER VI.

REGISTRATION, INSURANCE AND VALUE-PAYABLE POST.

XIV of 28. The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor; and the Governor General in Council may, by notification in the Gazette of India, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

XIV of 29. (1) The Governor General in Council may make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare in what cases registration shall be required;
- (b) prescribe the manner in which the fees for registration shall be paid; and
- (c) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(3) Postal articles shall be made over to the Post Office for the purpose of being registered,

and shall be delivered, when registered, at such times and in such manner as the Director General may, by order, from time to time appoint.

30. The Governor General in Council may, by notification in the Gazette of India, direct—

[New.]

(a) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted, against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and

(b) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

31. The Governor General in Council may, by notification in the Gazette of India, declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which has been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification:

[New.]

Provided that the levy of such special fee as aforesaid shall not impose any liability upon the Secretary of State for India in Council in respect of the postal article.

32. (1) The Governor General in Council may make rules as to the insurance of postal articles.

[New.]

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what classes of postal articles may be insured under section 30;
- (b) fix the limit of the amount for which postal articles may be insured; and
- (c) prescribe the manner in which the fees for insurance shall be paid.

(2) Postal articles shall be made over to the Post Office for the purpose of being insured, and shall be delivered, when insured, at such places and times and in such manner as the Director General may, by order, from time to time appoint.

[New.]

33. Subject to such conditions and restrictions as the Governor General in Council may, by rule, prescribe, the Secretary of State for India in Council shall be liable to pay compensation, not exceeding the amount for which a postal article has been insured, to the sender thereof for the loss of the postal article or its contents, or for any damage caused to it in course of transmission by post:

[New.]

Provided that the compensation so payable shall in no case exceed the value of the article lost or the amount of the damage caused.

34. The Governor General in Council may, by notification in the Gazette of India, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of a postal article shall be

[New.]

The Indian Post Office Bill.

(Chapter VI.—Registration, Insurance and Value-payable Post.—Sections 35-36.
Chapter VII.—Undelivered Postal Articles.—Sections 37-39. Chapter VIII.—

Ship Letters.—Section 40.)

recoverable on the delivery thereof from the addressee, and that the sum, so recovered, shall be paid to the sender :

Provided that the Secretary of State for India in Council shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.

Explanation.—Postal articles sent in accordance with the provisions of this section may be described as "value-payable" postal articles.

[New.] 35. (1) The Governor General in Council may make rules as to the transmission by post of value-payable postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) declare what classes of postal articles may be sent as value-payable postal articles ;
- (b) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *bona fide* order received by him ;
- (c) limit the value to be recovered on the delivery of any value-payable postal article ; and
- (d) prescribe the form of declaration to be made by the senders of value-payable postal articles, and the time and manner of the payment of fees.

(3) Postal articles shall be made over to the Post Office for the purpose of being sent as "value payable", and shall be delivered, when so sent, at such times and in such manner as the Director General may, by order, from time to time appoint.

[New.] 36. (1) Where arrangements are in force with the United Kingdom, or with any British possession, or with any Native State or foreign country, for the transmission by post of registered, insured or value-payable postal articles between British India and the United Kingdom or such possession, State or country, the Governor General in Council may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the form of declaration to be made by the senders of such postal articles as aforesaid ; and
- (b) the fees to be charged in respect thereof.

CHAPTER VII.

UNDELIVERED POSTAL ARTICLES.

[Cf. XIV of 1866, ss. 29 (1) and 30.] 37. (1) The Governor General in Council may make rules as to the disposal of postal articles which for any reason cannot be delivered (hereinafter referred to as "undelivered" postal articles).

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the period during which undelivered postal articles at any post office shall remain in that office ; and

(b) provide for the publication at post offices of lists of undelivered postal articles, or of any class of undelivered postal articles.

(3) Every undelivered postal article, after being detained at a post office for the period prescribed by rule under the foregoing provisions of this section, shall,—

- (a) if the name and address of the sender is known, be forwarded, free of further charge, to the post office at which it was posted, for return to the sender ; or,
- (b) if the name and address of the sender is not known, be forwarded to the office of the Post Master General.

38. (1) Every postal article received at the office of the Post Master General under sub-section (a.) of section 37 shall be dealt with as follows :

- (a) if practicable, it shall be redirected and forwarded by post to the addressee ; or,
 - (b) if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer appointed by the Post Master General in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.
- (2) If the name and address of the sender is so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the Governor General in Council may, by rule, direct.

39. Undelivered postal articles which cannot be disposed of under the foregoing provisions, shall be detained in the office of the Post Master General for such further period (if any), and shall be dealt with in such manner, as the Governor General in Council may, by rule, direct :

Provided that—

- (a) letters and post-cards shall be destroyed ;
- (b) money or saleable property, not being of a perishable nature, found in any undelivered postal article, shall be detained for a period of one year in the office of the Post Master General, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the Post Office, and, if saleable property, be sold, the sale-proceeds being credited to the Post Office.

CHAPTER VIII.

SHIP LETTERS.

40. The master of a ship, not being a mail ship, about to depart from any port in British India to any port within, or any port or place beyond, British India, shall receive on board any mail bag tendered to him by any officer of the Post Office for conveyance, granting a receipt therefor in such form as the Governor General in Council may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

The Indian Post Office Bill.

(Chapter VIII.—Ship Letters.—Sections 41-42. Chapter IX.—Money Orders.—Sections 43-48.)

XIV of s. 31; Eng. Bill, 11.] 41. (1) The master of a ship arriving at any port in British India shall, without delay, cause every postal article or mail bag on board, which is directed to that port and is within the exclusive privilege conferred on the Governor General in Council by section 4, to be delivered either at the post office at that port or to some officer of the Post Office authorized in this behalf by the Post Master General.

(2) If there is on board any postal article or mail bag which is directed to any other place within British India and is within the exclusive privilege aforesaid, the master shall, without delay, report the fact to the officer in charge of the post office at the port of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of the postal article or mail bag.

XIV of s. 33; Eng. Bill, 11.] 42. The Governor General in Council may, by notification in the Gazette of India, declare what gratuities shall be allowed to masters of ships, not being mail ships, in respect of postal articles conveyed or to be conveyed by them on behalf of the Post Office; and the master of a ship, not being a mail ship, about to leave any port in British India as aforesaid shall, if he receives on board a mail bag for conveyance, be entitled to demand and obtain immediately the amount of the gratuity payable under this section in respect of the mail bag and its contents.

CHAPTER IX.

MONEY ORDERS.

New. Cf. 11 & Vict., c. 88, s. 2; and Eng. Bill, cl. 23.] 43. (1) The Governor General in Council may provide for the remitting of small sums of money through the Post Office by means of money orders, and may make rules as to such remittances.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the limit of amount for which money orders may be issued; and
- (b) the rates of commission or the fees to be charged thereon or in respect thereof.

(New.) 44. (1) Subject to such conditions as the Governor General in Council may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Post Office by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

(2) If neither the payee nor the remitter of a money order can be found, and if within the period of one year from the date of the issue of

the order no claim is made by such payee or remitter, the amount of such order shall become forfeited to the Government.

45. The Governor General in Council may [New. Cf. Eng. Bill, cl. 24.] Power to provide for the issue of postal orders. authorize the issue in such form as may be suitable, of money orders, to be called postal orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates of commission to be charged thereon and the manner in which, and conditions subject to which, they may be issued, paid and cancelled:

Provided that no such order shall be issued for an amount in excess of ten rupees.

46. (1) Where arrangements are in force with [New.] the United Kingdom, or with any British possession, or with any Native State or foreign country, for the issue and payment through the Post Office of money orders between British India and the United Kingdom or such possession, State or country, the Governor General in Council may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the manner in which, and the conditions subject to which, such orders may be issued and paid in British India; and
- (b) the rates of commission to be charged thereon.

47. If any person, without reasonable excuse, [New.] Recovery of money the burden of proving order paid to the wrong person. neglects or refuses to refund the amount of a money order paid by an officer of the Post Office to him instead of to some other person to whom it ought to have been paid, the amount shall be recoverable by any officer of the Post Office authorized by the Post Master General in this behalf from the person [See 1 of 1895, s. 5.] so neglecting or refusing as if it were an arrear of land-revenue due from him.

48. No suit or other legal proceeding shall be [New. Cf. 11 & 12 Vict., c. 88, s. 2; and Eng. Bill, cl. 23 (4).] instituted against the Secretary of State for India in Council or any officer of the Post Office in respect of—

- (a) any thing done under any rules made by the Governor General in Council under this Chapter; or
- (b) the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee: provided that, as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or
- (c) the payment of any money order being refused or delayed by, or on account of, any accidental neglect, omission or mistake, by, or on the part of, any officer of the Post Office, or for any other cause whatsoever, other than the fraud or wilful act or default of such officer.

*The Indian Post Office Bill.**(Chapter X.—Penalties and Procedure.—Sections 49-58.)*

CHAPTER X.

PENALTIES AND PROCEDURE.

Offences by Officers of the Post Office.

[Cf. XIV of 1866, s. 47; and Eng. Bill, cl. 56.] 49. Whoever, being employed to carry or deliver any mail bag or any postal article in course of transmission by post,—

- (a) is in a state of intoxication while so employed; or
- (b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered; or
- (c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid; or
- (d) does not use proper care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall be punishable with fine which may extend to fifty rupees.

[New.] 50. Whoever, being employed to carry any mail bag or any postal article in course of transmission by post, withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall be punishable with fine which may extend to fifty rupees.

51. Whoever, being employed to deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

[Cf. XIV of 1866, s. 48; and Eng. Bill, cl. 54.] 52. Whoever, being an officer of the Post Office, steals or, for any purpose whatsoever, misappropriates, secretes, destroys or throws away any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine.

[New. Cf. 7 Will. IV and 1 Vict., c. 36, s. 25; and Eng. Bill, cl. 55.] 53. Whoever, being an officer of the Post Office, contrary to his duty opens, or causes or suffers to be opened, any postal article in course of transmission by post or wilfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

[New. Cf. XIII, 1885, s. 25; and Eng. Bill, cl. 55, proviso.] Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act, or in obedience to the order in writing of the Governor General in Council.

Penalty for fraudulently marking postal articles.

54. Whoever, being an officer of the Post Office,— [Cf. XIV of 1866, s. 49.]

- (a) fraudulently puts any wrong mark on a postal article; or
- (b) fraudulently alters, removes or causes to disappear any mark or stamp which is on any postal article; or
- (c) fraudulently uses or places with or upon any postal article any stamp which has been removed from any other postal article; or,
- (d) being entrusted with the delivery of any postal article, demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act;

shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

55. Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the document, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine. [Cf. XIV of 1866, s. 50.]

56. Whoever, being an officer of the Post Office, sends by post or puts into any mail bag any unstamped postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine. [Cf. XIV of 1866, s. 51.]

57. Whoever, being an officer of the Post Office employed in any place in India beyond the limits of British India in which posts are established by the Governor General in Council, or being appointed to sell postage stamps in such place, commits therein an offence punishable under this Act, shall be punishable either in the place where the offence was committed by any Court or officer duly empowered by the Governor General in Council to take cognizance of offences committed in that place, or in any part of British India by any Court of competent jurisdiction, as if the offence had been committed in that part. [Cf. XIV of 1866, s. 52.]

Other Offences.

Penalty for breach of provisions of section 4.

58. (1) Whoever— [Cf. XIV of 1866, s. 46.]

- (a) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the Governor General in Council by section 4; or
- (b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid; or
- (c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid; or

*The Indian Post Office Bill.**(Chapter X.—Penalties and Procedure.—Sections 59-68.)*

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post ;

shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

XIV of s. 46.] 59. (1) Whoever carries, receives, tenders or delivers letters, or collects letters in contravention of the provisions of section 5, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend to five hundred rupees.

XIV of ss. 39 & 40.] 60. Whoever, being appointed to sell postage stamps,—

(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ; or

(b) commits a breach of any other rule made under section 16, shall be punishable with fine which may extend to two hundred rupees.

XIV of ss. 42; 48 Vict., s. 4; Eng. Bill, s. 4.] 61. (1) Whoever sends, or tenders or delivers in order to be sent, by post any living creature or anything in contravention of the provisions of section 19 or section 20, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) The detention in the Post Office of any postal article on the ground of its having been sent in contravention of the provisions of section 19 or section 20, shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Cf. 47 Vict., s. 3; and Eng. Bill, s. 3.] 62. Whoever places in or against any post office letter-box any fire, match or light, any explosive, dangerous, filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or against any post office letter-box, or does anything likely to injure any post office letter-box or its appurtenances or contents, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Cf. 47 Vict., s. 3; and Eng. Bill, s. 3.] 63. Whoever, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars or in any way disfigures any post office or post office letter-box, shall be punishable with fine which may extend to fifty rupees.

64. Whoever, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows, or has reason to believe, to be false, or does not believe to be true, shall be punishable with fine which may extend to two hundred rupees, and, if the false declaration is made for the purpose of defrauding the Government, with fine which may extend to five hundred rupees.

Penalty for making false declaration.

65. Whoever, being the master of a ship,—

Penalty for master of ship failing to comply with the provisions of section 40 or 41.

(a) fails to comply with the provisions of section 40, or,

(b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 41,

shall be punishable with fine which may extend to one thousand rupees.

66. (1) Whoever, being either the master of a ship arriving at any port in British India or any one on board, knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Governor General in Council by section 4, shall be punishable with fine which may extend to fifty rupees for every such postal article as aforesaid.

(2) Whoever, being such master or other person as aforesaid, detains any such postal article as aforesaid after demand made for it by an officer of the Post Office, shall be punishable with fine which may extend to one hundred rupees for every such postal article.

67. Whoever, except on the authority of an order in writing of the Governor General in Council or of a Local Government, detains the mails or any postal article in course of transmission by post, or on any pretence opens a mail bag in course of transmission by post, shall be punishable with fine which may extend to two hundred rupees :

Provided that nothing in this section shall prevent the detention of an officer of the Post Office carrying the mails or any postal article in course of transmission by post, on a charge of having committed an offence declared to be cognizable by the Code of Criminal Procedure, 1882, or by any other law for the time being in force.

68. Whoever fraudulently retains, or wilfully secretes or makes away with, or keeps or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine.

[Now.]

[Cf. XIV of 1866, ss. 31 & 34.]

[Cf. XIV of 1866, s. 32.]

[Cf. XIV of 1866, s. 44.]

X of 1882.

[Cf. XIV of 1866, s. 45.]

The Indian Post Office Bill.

(Chapter X.—Penalties and Procedure.—Sections 69-72. Chapter XI.—Supplemental.—Sections 73-77. The First Schedule.—Inland Postage Rates. The Second Schedule.—Enactments repealed.)

[New. Cf. 54 & 55 Vict., c. 46, s. 10; and Eng. Bill, cl. 53.] 69. Whoever, not being an officer of the Post Office, wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any letter which ought to have been delivered to such other person, or does any act whereby the due delivery of a letter to such other person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both:

Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or a ward.

General.

[Cf. XIV of 1866, s. 52.] 70. Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

[Cf. Act XIV of 1866, s. 61.] 71. In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to lay the property of the mail bag or postal article in the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

[New.] 72. No Court shall take cognizance of any offence punishable under this Act except with the previous sanction, or on the complaint, of the Director General or of a Post Master General.

CHAPTER XI.

SUPPLEMENTAL.

[Cf. XIV of 1866, s. 64.] 73. (1) The Governor General in Council may make rules for the management of any zamindari or other district posts.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may declare what portions of this Act shall be applicable to zamindari and other district posts and to the persons employed in connection therewith.

[Cf. XIV of 1866, s. 63.] 74. (1) In addition to the powers hereinbefore conferred, the Governor General in Council may make rules to carry out any of the purposes and objects of this Act.

(2) In making any rule under this Act, the Governor General in Council may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

(3) All rules made by the Governor General in Council under this Act shall be published in the Gazette of India and, on such publication, shall have effect as if enacted by this Act.

[Cf. XIV of 1866, s. 7.] 75. The Governor General in Council may, by notification in the Gazette of India, authorize, either absolutely or subject to conditions, the Director General to exercise any of the powers conferred

upon the Governor General in Council by this Act, other than a power to make rules.

76. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

77. Nothing in this Act shall derogate from or affect the provisions of the East India Company Act, 1780, or any enactment amending or extending the same. [New. Cf. 21 Geo. 3. 70.]

THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(See section 7.)

LETTERS.

For a weight not exceeding half a tola ... Half an anna.
For a weight not exceeding one tola ... One anna.
For every tola or fraction thereof exceeding one tola ... One anna.

POST CARDS.

Single ... Quarter of an anna.
Reply ... Half an anna.

BOOK, PATTERN AND SAMPLE PACKETS.

For every ten tolas or fraction thereof ... Half an anna.

REGISTERED NEWSPAPERS.

For a weight not exceeding three tolas ... Quarter of an anna.
For a weight not exceeding twenty tolas ... Half an anna.
For every twenty tolas or fraction thereof exceeding twenty tolas ... Half an anna.

PARCELS.

For a weight not exceeding twenty tolas ... Two annas.
For a weight not exceeding forty tolas ... Four annas.
For every additional forty tolas or fraction thereof exceeding forty tolas ... Four annas.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 76.)

Year.	No.	Short title.	Extent of repeal.
1866	XIV	The Indian Post Office Act, 1866.	The whole.
1882	III	The Seditious Publications Act, 1882.	So much as is unrepealed.
1895	III	The Indian Criminal Law Amendment Act, 1895.	Section 7.
1896	XVI	The Indian Post Office Act (1866) Amendment Act, 1896.	The whole.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Acts III of 1895 and XVI of 1896.

STATEMENT OF OBJECTS AND REASONS.

THE present Post Office Act was enacted in 1866, and has been amended since that date by the addition of three sections only. In 1882, section 60-A was added by Act III of 1882 authorising any officer of the Post Office, empowered in this behalf by the Governor General in Council, to search for newspapers regarding which a notification has been published under the Sea Customs Act. In 1895, Section 66 was added by Act III of that year, providing powers, in accordance with the general policy of the Postal Union, for dealing with fictitious or previously-used postage stamps of other countries found on letters or other articles received from abroad; and last year a further section was added by Act XVI of 1896 authorizing the recovery of customs duty, when paid in advance by the Post Office, in the same manner as postage under the Act.

During the last thirty years certain defects and omissions in the Act of 1866 have been brought to light, and experience has shown that express provisions of law, as contained in the Act, in respect of various matters are not suited to the present requirements of postal work. It has also been found that further protection is needed by the Post Office and further powers to enable its officers, for instance, to deal with articles posted in contravention of the Act. Various schemes, moreover, which have been introduced of late years such as postal insurance and the value payable and money order systems have remained outside the provisions of the Act, and now require to be based on a legislative enactment. Finally with the development of the Post Office, and the knowledge of the course of English postal legislation, the necessity for some new penalties has become apparent.

The present Bill proposes to supply the defects and omissions which have been brought to notice in the Act of 1866, and to confer the protection and powers which have been found necessary in the extension and increase of postal business. It includes within its scope postal insurance, the value payable post, and the Post Office money order system, and declares and limits the liability of Government in respect of these matters. The Bill is to a large extent an enabling Bill reserving to Government the power of dealing by rule with numerous questions of postal practice and procedure affecting the public.

A number of the sections of the Post Office Act, 1866, have been omitted as unnecessary, the drafting of the sections retained has been in a great measure revised, and the subject matter has been re-arranged. The material alterations and additions are referred to in the notes on clauses given below.

For facility of reference a comparative table has been prepared showing how each section of the Post Office Act, 1866, has been dealt with, and is appended to this statement.

Notes on clauses.

Clause 2.—All the definitions in this clause are new, but introduce no change in existing practice. It has not been necessary to reproduce any of the definitions in the Post Office Act, 1866.

Clause 6.—In this clause the provisions of the corresponding section in the Post Office Act, 1866, in respect of the liability of officers of the Post Office have been amended.

Clause 9.—This clause embodies the provisions as to the registration of newspapers which were introduced last year.

Clause 12.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, in respect of the recovery of postage have been amended.

Clauses 14 and 15.—These clauses are new and reproduce the provisions of the English law as to Post Office marks being *prima facie* evidence of the facts denoted.

Clause 18.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to make it clear that the redelivery of postal articles, once posted, may be made without reference to the consent of the addressee.

Clause 20.—This is a new clause, supplying an omission in the Post Office Act, 1866, and prohibiting the transmission by post of obscene and indecent articles.

Clause 22.—This is a new clause, founded on the provisions of the English postal law, reserving the power of postponing the despatch or delivery of certain postal articles other than letters, postcards or newspapers.

Clause 23.—This is a new clause, founded on the provisions of the English postal law, providing powers for officers of the Post Office to deal with postal articles posted in contravention of the Act.

Clause 25.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to empower search to be made for any goods notified under the Sea Customs Act, 1878, which may be contained in postal articles.

Clause 26.—This clause, based on the analogy of the Indian Telegraph Act, 1885, gives power to Government to order in certain cases the interception of postal articles.

Clauses 30 to 33.—These are new clauses providing for the insurance of postal articles, and declaring and limiting the liability of Government to pay compensation in respect of such articles.

Clauses 34 and 35.—These are new clauses providing for the transmission by post of value payable postal articles.

Clause 39.—In this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to provide that money and the sale proceeds of saleable property, found in postal articles which cannot be delivered, shall be credited to Government after such money or property has been detained for a year in a Dead Letter Office.

Clause 42.—By this clause the provisions of the corresponding section of the Post Office Act, 1866, have been amended, so as to provide that the gratuities payable to masters of ships for carrying ship letters may be fixed from time to time by Government.

Clauses 43 to 46.—These clauses are new. They provide for the remitting of small sums of money through the Post Office by means of money orders, and clause 44 prescribes the period after which the amount of a money order which cannot be paid to the payee or returned to the remitter becomes forfeited.

Clause 47.—This clause is new, and provides a summary procedure for the recovery of the amount of a money order wrongly paid to any person, if he refuses to refund the amount.

Clause 48.—This is a new clause exempting Government and officers of the Post Office from liability in respect of delay, etc., in the payment of money orders, in accordance with the English law and the present rules on the subject.

Clause 50.—This clause provides a new penalty, introduced with the object of preventing desertion on the part of mail-runners.

Clause 51.—This clause provides a new penalty, introduced with the object of preventing false entries being made in a postman's register with the intention of making it appear that he has visited villages which he has not visited.

Clause 53.—This clause provides a new penalty supplying an omission in the Post Office Act, 1866. The opening of a letter by an officer of the Post Office contrary to his duty, or the wilful delaying of a letter is now made punishable in accordance with the English law.

Clauses 58 and 59.—In sub-clause 2 of each of these clauses the provision of the corresponding sections of the Post Office Act, 1866, has been altered in respect of continuing breaches of the privilege of the Post Office.

Clause 61.—This clause provides a higher penalty for sending dangerous and injurious substances by post than the corresponding section in the Post Office Act, 1866. The provisions of the English law have been followed.

Clause 62.—This clause provides a new penalty, taken from the English Post Office Protection Act of 1884, for the protection of letter-boxes and their contents.

Clause 63.—This clause provides a new penalty, taken from the same English Act, to prevent the disfiguring of post offices and letter-boxes.

Clause 64.—This clause is new, but the penalty is the same as in section 43 of the Post Office Act, 1866, which deals with false certificates under that Act.

Clause 69.—This clause provides a new penalty, taken from a recent English Post Office Act, for diverting letters from the person to whom they are addressed.

Clause 70.—This clause extends the provisions of the corresponding section in the Post Office Act, 1866, so as to cover the case of attempts to commit offences.

Clause 72.—This clause introduces a new provision making the authority of the proper postal officials necessary to the institution of prosecutions for offences under the Act.

The 5th November, 1897.

J. WESTLAND.

COMPARATIVE TABLE.

Showing how provisions of the Indian Post Office Act, 1866 (XIV of 1866), have been dealt with in the Indian Post Office Bill, 1897.

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
Section 1.—Short title ...	Reproduced with additions by clause 1.
Section 2.—Interpretation clause ...	Replaced by clauses 2 and 3.
Section 3.—[Repealed by Act XIV of 1870.]	
Section 4.—References to Act No. XVII, 1854, read as made to this Act.	Omitted as unnecessary. See General Clauses Act, 1897 (X of 1897) s. 8.
Section 5.—Exclusive privilege of carrying letters vested in Government of India.	} Reproduced and amended by clause 4.
Bar to collection of excepted letters	
Section 6.—Persons expressly forbidden to collect, carry or deliver letters.	Reproduced and amended by clause 5.
Section 7.—Appointment of officers for service of Post Office.	Omitted as unnecessary, but delegation of powers to the Director General, Post Office, provided for by clause 75.
Section 8.—Postage rates on letters ...	} Omitted, but existing rates set forth in first schedule, and saved by clause 7.
Section 9.—Postage rates on newspapers ...	
Section 10.—Newspapers how sent by letter-post.	} Omitted, but case of registered newspapers provided for by clause 9.
Section 11.—Newspapers when charged with letter-postage.	
Section 12.—Proof-sheets ...	Omitted as unnecessary.
Section 13.—Postage-rates on books, packets of newspapers, etc.	} Omitted, but existing rates set forth in first schedule, and saved by clause 7.
Section 14.—Inland banghy-postage ...	
Section 15.—Table of distances for circulation of banghy-postage.	Omitted as unnecessary.
Section 16.—When no banghy-post, parcels, books, etc., carried by letter-post.	} Omitted as unnecessary.
Effect of false certificate ...	
Section 17.—When book-packets and parcels to go by letter-post.	Omitted as unnecessary.
Section 18.—Ship-postage on parcels ...	Omitted, as unnecessary.
Section 19.—Governor General may direct prepayment of postage in all cases.	Omitted, but necessary provisions as to prepayment included in clause 8.
Section 20.—Governor General may alter postage-rates.	Omitted as unnecessary according to drafting of present bill.
Section 21.—Governor General may fix rates of steam-postage.	Omitted, but power to declare rates of foreign postage reserved by clause 10.

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
<i>Section 22.</i> —Governor General may fix postage-rates for articles sent wholly or partly by sea.	Omitted as unnecessary.
<i>Section 23.</i> —Governor General may fix express postage-rates.	Omitted as unnecessary.
<i>Section 24.</i> —Redirected letters ...	Omitted, but necessary provisions as to re-direction included in clause 8.
<i>Section 25.</i> —Letters may be registered. ...	} Reproduced and amended by clause 28.
Fee for registering ...	
<i>Section 26.</i> —Power to declare in what cases registration compulsory and direct levy of double registration-fee.	Reproduced and amended by clause 29.
<i>Section 27.</i> —Re-delivery of letters and other articles once put into Post Office.	Reproduced and amended by clause 18.
<i>Section 28.</i> —Liability for postage of receiver of unpaid letter, etc.	} Reproduced and amended by clauses 11 and 12, with the omission of the power to remit postage due.
Sender when liable ...	
Recovery of postage payment of which refused.	
Power to detain other letters to person refusing.	
Power to remit postage ...	
<i>Section 29.</i> —List of unclaimed letters ...	} Reproduced and amended by clauses 37, 38 and 39.
Return to posting-office for delivery to sender.	
Letters of which sender not ascertainable without opening.	
Opening letters ...	
Return to sender ...	
When destroyed ...	
Disposal of money and valuables ...	
<i>Section 30.</i> —Refused letters how dealt with	} Reproduced and amended by clause 41; penalty provided by clause 65.
Disposal of money and valuables ...	
<i>Section 31.</i> —Commanders of inward-bound vessels carrying mails how to proceed on arrival.	
Penalty ...	Reproduced by clause 66.
<i>Section 32.</i> —Penalties for detention of letters on board inward-bound vessel.	

Indian Post Office Act, 1865 (XIV of 1865).	Indian Post Office Bill, 1897.
<p>Section 33.—Bounty-money ...</p> <p>Limitation of claim thereto ...</p> <p>Saving of letters, etc., conveyed in mail-ships.</p>	} Reproduced and amended by clause 42.
<p>Section 34.—Commanders of outward-bound vessels to receive mails on board.</p>	
<p>Section 35.—Stamped letters considered prepaid.</p>	
<p>Section 36.—Postage-stamps provided by Government.</p>	Reproduced and amended by clause 16.
<p>Section 37.—Management of postage-stamps</p>	} Reproduced and amended by clause 17.
<p>Purpose of issue ...</p>	
<p>Crediting sale-proceeds ...</p>	
<p>Section 38.—Power to make rules for appointment and government of vendors of postage-stamps.</p>	Reproduced and amended by clause 16.
<p>Section 39.—Penalty for breach of such rules</p>	Reproduced by clause 60.
<p>Section 40.—Penalty for refusing to supply stamps.</p>	Omitted, but case provided for as breach of rules.
<p>Section 41.—Penalty for selling stamps for price higher than value denoted.</p>	Reproduced by clause 60.
<p>Section 42.—Penalty for sending dangerous substance by post.</p>	Reproduced and amended by clause 19; revised penalty provided by clause 61.
<p>Section 43.—Making false certificate to defraud Post office.</p> <p>Sending private letters as official ...</p> <p>Penalty ...</p>	} Omitted, but penalty for making false declaration introduced by clause 64.
<p>Section 44.—Penalty for detaining mails or opening mail-bags.</p>	
<p>Section 45.—Penalty for retaining letters, etc., delivered by mistake.</p>	
<p>Section 46.—Penalty for conveying letter in breach of privilege.</p>	} Reproduced and amended by clause 58.
<p>Penalty for performing, otherwise than by post, services incidental to conveying letters.</p>	
<p>Penalty for making clubbed packet or tendering or delivering letter to be sent therein.</p>	
<p>Penalty for sending letter in breach of privilege, or delivering letter to be so sent.</p>	
<p>Penalty for collecting excepted letters to send them otherwise than by post.</p>	

Indian Post Office Act, 1866. (XIV of 1866).	Indian Post Office Bill, 1897.
Penalty for breach of provisions of section 6.	} Reproduced and amended by clause 59.
Penalty for practice of acts mentioned in section.	
<i>Section 47.</i> —Penalty for neglect on part of persons employed to carry mails.	Reproduced and amended by clause 49.
<i>Section 48.</i> —Penalty for stealing, etc., or opening letters, etc., by persons employed in Post Office.	Reproduced and amended by clause 52.
<i>Section 49.</i> —Penalty for fraudulently altering marks on letters, etc., by persons employed in Post Office.	Reproduced and amended by clause 54.
<i>Section 50.</i> —Penalty for preparing incorrectly, or altering or secreting documents by persons employed in Post Office.	Reproduced and amended by clause 55.
<i>Section 51.</i> —Penalty for sending letters on which postage not paid or charged by persons employed in Post Office.	Reproduced by clause 56.
<i>Section 52.</i> —Penalty for abetting or concealing offences under Act.	Reproduced and amended by clause 70.
<i>Section 53.</i> —Person charged with offence punishable with fine only may be summarily convicted.	Omitted as unnecessary.
<i>Section 54.</i> —Conviction quashed on merits only.	} Omitted as unnecessary.
Form of conviction	
<i>Section 55.</i> —[Repealed by Act XII of 1876.]	
<i>Section 56.</i> —Fines how levied	} Omitted as unnecessary. See General Clauses Act 1897 (X of 1897), s. 25.
Detention of offender	
Imprisonment if no sufficient distress, etc.	
<i>Section 57.</i> —Share of fine to informer	Omitted as unnecessary.
<i>Section 58.</i> —No proceedings for recovery of fines taken without order.	} Omitted as unnecessary, but see clause 72.
<i>Section 59.</i> —Punishment of Post Office servants committing offences in allied states.	} Reproduced and amended by clause 57.
Officers authorised to try them	
<i>Section 60.</i> —Letters, etc., suspected to contain contraband articles, or writing in contravention of Act how dealt with.	
Witnesses to examination of letter	} Reproduced and amended by clause 24.
Delivery of letter to addressee	
Power to require customs-pass	

Indian Post Office Act, 1866 (XIV of 1866).	Indian Post Office Bill, 1897.
<i>Section 60-A.</i> —Search for newspapers, etc., in respect of which a notification has been published under section 19 of the Sea Customs Act.	Reproduced and amended by clause 25.
<i>Section 61.</i> —In charges for offences under Act, property sent by post laid in Post Master General.	} Reproduced and amended by clause 71.
Proof of value unnecessary	
Statement that offender employed in Post Office sufficient.	
<i>Section 62.</i> —Letters on Her Majesty's service, duly certified as such, how charged.	Omitted as unnecessary.
<i>Section 63.</i> —Governor-General may frame rules.	Reproduced and amended by clause 74.
<i>Section 64.</i> —District Daks	Reproduced and amended by clause 73.
<i>Section 65.</i> —Government not responsible for loss.	} Reproduced and amended by clause 6.
Responsibility of its servants	
<i>Section 66.</i> —Power of Post Office in case of articles bearing fictitious or previously used stamps.	Reproduced and amended by clause 27.
<i>Section 67.</i> —Recovery of duty of customs paid by postal authorities.	Reproduced by clause 13.

Note.—The following new clauses have been added, namely, clauses 2, 3, 7, 9, 10, 14, 15, 20, 21, 22, 23, 26, 30, 31, 32, 33, 34, 35, 36, 43, 44, 45, 46, 47, 48, 50, 51, 52, 62, 63, 64, 69, 72, 77.

J. M. MACPHERSON,

Secretary to the Government of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 1st July, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Woodburn, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Sir H. T. Prinsep, K.T.

UNITED KINGDOM PROBATES BILL.

The Hon'ble MR. CHALMERS asked for leave to withdraw the Bill to provide for the recognition in British India of Probates and Letters of Administration granted by Courts in the United Kingdom. He said:—"The Bill was referred to a Select Committee last year in Calcutta. The Select Committee

unanimously came to the conclusion that the Bill was not required in India, and that it would have the effect of introducing confusion into the existing practice which has been working satisfactorily. I beg therefore to withdraw it."

Leave was granted.

BURMA MUNICIPAL BILL.

The Hon'ble SIR JOHN WOODBURN asked for leave to withdraw the Bill to amend the law relating to Municipalities in Burma. He said:—"Last year I asked permission to introduce a Bill, at the instance of the Chief Commissioner of Burma, to amend the law relating to Municipalities in that province. The Chief Commissioner has now been made a Lieutenant-Governor and has a Legislative Council of his own; and I ask permission to withdraw the Bill in order that it may be brought forward in his Council."

Leave was granted.

SHORT TITLES BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to facilitate the citation of certain Acts. He said:—"In India the practice of giving a short title to every Act does not at present exist. The English practice is to give a short title to every Act, and a Bill was passed into law last year to give a short title to every Act which had not been provided with one. This Bill is drawn on the lines of the English Act. When an Act is cited it is very inconvenient to cite it by its long title, and it is a convenience to everybody that a short title should be given to it. The Bill is merely a formal one."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and in the local official Gazettes.

The motion was put and agreed to.

COURT-FEES ACT, 1870, AMENDMENT BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to amend the Court-fees Act, 1870. He said:—"The necessity for each of the two amendments in the Court-fees Act which are embodied in the Bill before the Council has been separately brought to the notice of the Government of India; and, though the two are closely connected, it is necessary to explain briefly the legal history of each separately.

"The object of the two amendments is—

Firstly, to provide a check on the undervaluation of estates by persons applying for probate of a will or for letters of administration, and

Secondly, to place on a more satisfactory footing the existing law relating to the realization of the duty payable on probates and letters of administration.

"The law which at present governs the administration of the estates of deceased persons in India is as follows. Under section 62 of the Probate and Administration Act (V of 1881), the petitioner must, in his application for the grant of probate or letters of administration, furnish an estimate of the assets likely to come into his hands, and court-fees are levied accordingly under article 11 of Schedule I to the Court-fees Act. Then, under section 98, the petitioner is required, within six months of the grant, to exhibit in Court an inventory containing a full and true estimate of all the property in possession and of all credits and debts; and within one year to exhibit an account of the assets realized and the manner of their disposal; the exhibition of an

intentionally false inventory or account being punishable as an offence under the Indian Penal Code. Finally, provision is made in Chapter IIIA of the Court-fees Act for the refund of duty in the case of a person who has paid too high a court-fee, and for recovering the deficiency from a person who has paid too little. The provisions of the Indian Succession Act correspond precisely with those of the Probate and Administration Act just described.

"There is, however, no machinery provided by which the Revenue-officers of Government can check the sufficiency of the valuation, and it has been reported that evasions of duty by undervaluation have caused considerable loss of revenue to the exchequer in the past. It was first proposed to supply the want by amending the Indian Succession and the Probate and Administration Acts, but since Chapter IIIA of the Court-fees Act specially relates to matters connected with probate and administration it is more convenient to effect the necessary change in the law by an amendment of the latter Act. Section 19H has therefore been drafted so as to empower the Collector to intervene by examining the applicant for probate or letters of administration, or by adducing other evidence of the undervaluation of the estate concerned, in order to secure the payment of the proper amount of court-fees; and the section provides that, for this purpose, he shall have access to the records. To explain the second amendment it is again necessary to point out how the existing law on the subject of recovery of the duty payable on probates and letters of administration stands.

"Under section 243 of the Indian Succession Act (X of 1865), an application for probate or letters of administrations, if duly made and verified, is conclusive for the purpose of authorising the grant of probate or administration, and sections 187 and 190 provide that no right under a will, or to the property of an intestate, can be established in any Court unless probate or administration, as the case may be, has been granted. But the Indian Succession Act does not apply to the case

* Section 332.

of Hindus, Muhammadans or Budhists, or to persons specially* exempted by the Governor General in Council, and the case of such persons is governed by the Hindu Wills Act (XXI of 1870) and the Probate and Administration Act (V of 1881). The latter Act, while

Section 61 of Act V of 1881.

reproducing the provisions of section 243 of the Indian Succession Act, omits the provisions contained in sections 187 and 190, with the result that persons to whom the Act of 1881, and not the Indian Succession Act, applies, find that if they apply for probate or for letters of administration, and if their applications are admitted as duly made and verified, a certificate of the fact may have the same effect as if they incurred the expense involved in actually taking out formal probate or administration. They may thus derive all the benefit of the security given them by the law without the liability to pay the fees which are involved in taking out formal probate or administration, whereas persons to whom the Act of 1865 applies are compelled, as already explained, by sections 187 and 190 of that Act to obtain formal probate or administration before any rights under any will or to the property of an intestate can be established. This is clearly inequitable, and the question of the best means of remedying the defect in the law has resulted in the decision to amend the Court-fees Act by the addition of a section on the lines of section 14 of the Succession Certificate Act. That section reads as follows:—

'14. (1) Every application for a certificate or for the extension of a certificate must be accompanied by a deposit of a sum equal to the fee payable under the first schedule to the Court-fees Act, 1870, in respect of the certificate or extension applied for.

(2) If the application is allowed, the sum deposited by the applicant shall be expended, under the direction of the Court, in the purchase of the stamp to be used for denoting the fee payable as aforesaid.

(3) Any sum received under sub-section (1) and not expended under sub-section (2) shall be refunded to the person who deposited it.'

"The second amendment which, by the Bill now before the Council, it is proposed to effect in the Court-fees Act is therefore, in substance, simply the extension to applications for probate and letters of administration of the provisions of the law which already apply to applications for succession certificates under the Succession Certificate Act of 1889."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

The Council adjourned to Thursday, the 8th July, 1897.

SIMLA;
The 2nd July, 1897.

J. M. MACPHERSON,
*Secretary to the Government of India,
Legislative Department.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 10, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 8th July, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir J. Woodburn, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Sir H. T. Prinsep, K.T.

SHORT TITLES BILL.

The Hon'ble MR. CHALMERS asked for leave to postpone the motion that the Bill to facilitate the citation of certain Acts be taken into consideration. He said that certain Acts which amended Act X of 1865 and other Acts relating to succession were referred to in the Bill as amendments of the Indian Succession Law. But it had been suggested to him that they should be referred

to as amendments of the Probate and Administration Law. They were already so referred to in the short title of Act VI of 1889. Under the circumstances, he would, with His Excellency's permission, postpone the motion that the Bill be taken into consideration, and at the next meeting of the Council he would make certain formal motions for its amendment in the direction suggested.

Leave was granted.

COURT-FEES ACT, 1870, AMENDMENT BILL.

The Hon'ble SIR JOHN WOODBURN moved that the Bill to further amend the Court-fees Act, 1870, be referred to a Select Committee consisting of the Hon'ble Sir James Westland, the Hon'ble Mr. Chalmers, the Hon'ble Sir Henry Prinsep, the Hon'ble Nawab Sir Amir-ud-Din Ahmad Khan, Khan Bahadur, and the mover.

The motion was put and agreed to.

CANTONMENTS ACT AMENDMENT ACT, 1895, REPEALING BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889. He said:—"Perhaps I may be allowed on this motion to explain the objects of the proposed legislation.

"The Bill consists of three clauses only. The first clause is purely formal. The objects of the two operative clauses are thus set forth in the Statement of Objects and Reasons.

"The second and third are the operative clauses in this Bill. The second clause proposes to repeal Act V of 1895, which imposed restrictions on the rule-making power conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889). The removal of these restrictions will restore to the Governor General in Council the power to make rules to check the spread of venereal diseases in cantonments, and will give him the same powers in respect of venereal diseases that he has in the case of other contagious and infectious disorders.

"The third clause merely extends to medical and other officers, the same protection in the performance of their duties as is already given to Cantonment authorities and Commanding Officers.

"I may deal very briefly with the third clause. It corrects what was probably a drafting slip in the Act of 1889. It will be in the recollection of Hon'ble Members that we published for criticism last year a draft code of Cantonment Rules. These rules contain a large body of sanitary and other regulations for the good government of Cantonments. Medical and other officers will have numerous duties to perform under these rules, and it is obviously fair that in the performance of those duties they should have the like protection as is already accorded to Cantonment authorities and Commanding Officers.

"The second clause deals with much more controversial matter. For some years past we have pursued the policy of ignoring the existence of venereal diseases, and the Act of 1895 binds us to ignore them. The result of that policy has been disastrous. By the operation of these fell diseases large numbers of our soldiers are rendered unfit for service, their constitutions are permanently undermined, and many lives are lost: I will not refer to the terrible facts and figures disclosed by the Report of Lord Onslow's Committee. My Hon'ble Colleagues who represent the Army will do that if necessary. Those facts and figures imperatively call upon us to take immediate action, and this course is endorsed by the most weighty opinions that we can have on a question of this kind. I refer to the unanimous reports of the Royal College of Physicians in England and the Royal College of Surgeons. If those reports have not already been made public, I trust they will be published at once. I will quote only a short extract from the Report of the Royal College of Physicians. It says:

'About 13,000 soldiers return to England from India every year, and of these, in 1894, over 60 per cent. had suffered from some form of venereal disease. These figures are

quoted as showing more forcibly than words can, the risk of contamination, not only to the present population of this country, but also to its future generations. Of these men a number die, or, remaining invalids, are more or less incapacitated from earning their own livelihood, and thus become a burden on the rates.'

"It is unnecessary now to indicate the measures we propose to take for diminishing the spread of venereal disease and mitigating its effects. Those measures are not germane to the present motion. The object of the present Bill is merely to untie our hands. We take energetic steps to diminish the spread of small-pox, cholera and typhoid fever, and we now propose to arm ourselves with like powers to deal with venereal diseases, the most terrible of all contagious diseases in their results. The fact that we take these powers does not imply a reversion to the measures which were discontinued in 1889. Speaking for myself I should be very loth to be a party to re-introducing the compulsory examination of prostitutes. By 'compulsory examination' I mean examination under physical compulsion, or under the compulsion of the Criminal Law. But apart from compulsory examination I think it is our duty to take every means within our reach to diminish and combat this horrible disease. In selecting those means we must be guided, as in the case of any other disease, by the best expert advice we can get. When we have adopted certain measures, we must carefully watch and test the effect of these measures, and if necessary, we must modify them hereafter, so as to make them more effective.

"I am well aware that in attempting to solve this pressing problem, we shall, in England at any rate, rouse a certain amount of opposition. Many of them who will oppose our policy will be people for whose characters we have the highest respect, and whose opposition will be founded on the highest and best of motives. It is due to our respect for their characters and motives to state explicitly the reasons which justify the changed attitude we are now taking. As regards the reasons which weigh with him, each man, of course, must speak for himself. There are several reasons, of varying weight, which appear to me to justify our proposed line of action, but they all point to the same conclusion.

"In the first place, it is our paramount duty to maintain our army in a maximum state of efficiency. If we allow large numbers of our soldiers to be rendered inefficient through preventable causes, we fail in that duty. The cost of the Indian Army falls on the people of India, and, as trustees for the interests of that people, it is our duty to see that, so far as the matter is in our power, they are not taxed for the maintenance of soldiers who are not fit to fight.

"Another reason which weighs strongly with me depends on the nature of the disease itself. Constitutional disease, not only affects the man himself, but is a potent source of danger to others. We are dealing with short service troops. Many of the men go home before they are cured, and are absorbed into the civil population. They marry, and communicate the disease to perfectly innocent women. Their children inherit the taint, and unborn generations will suffer if we neglect to take all precautions within our power. Any one who is familiar with a children's hospital in any of our big towns at home will appreciate my meaning. What right have we, by our neglect, to inflict such evils on these innocent sufferers. But the evil does not stop there. The prevalence of this class of disease largely increases the risk run by our Doctors. We have had two sad cases of this lately. Hospital nurses, who devote their lives to the care of the sick, incur precisely the same risk. Surely we ought to do our utmost to protect them from unnecessary danger.

"Then, again, the unfortunate women who communicate disease to our soldiers ought not to be debarred from skilled medical treatment. The cure of this disease essentially depends on early treatment. If they are left to themselves, they will not seek medical aid until it is too late. I have seen women brought into the Civil Hospital in Gibraltar rotten and dying from disease, who had carried on their trade until the night before their admission to the wards.

"There is another reason that I only wish to allude to, but nevertheless I feel its force. I believe in this question we have no choice between good and

evil. Of two evils we can only choose the lesser one. It may be said that we could wholly exclude all women from cantonments. I don't think this would be possible; but if it were, I think it would only lead to more horrible forms of vice. Anything is better than that. It will be said too that in our endeavours to mitigate the prevalence and effect of venereal diseases we are giving encouragement to vice. I think the experience of the last few years conclusively negatives this argument. There might be something in the argument if we were dealing with a body of middle-aged men who had received a scientific education. But we are dealing with a large body of young unmarried soldiers. We have found by experience that the risk they run in no wise overcomes the temptation to which their position exposes them. If the risk is no deterrent, this argument falls to the ground.

"For these reasons, my Lord, I ask leave to introduce this Bill".

The Hon'ble MAJOR-GENERAL SIR E. COLLEN said:—"My Lord, the Bill, which the Hon'ble Mr. Chalmers has moved for leave to introduce, is necessary in order to enable the authorities of cantonments to deal with an evil which has greatly affected the efficiency of the British Army in India, and to protect the officers who will be charged with carrying out the provisions of cantonment rules framed with the object of reducing, as far as may be possible, under present conditions, the ravages of a disastrous disease.

"I suppose there is hardly any other subject connected with the welfare of the army which has been so closely discussed of late. The history of the question is well-known, and I need hardly remind this Council how consistent the Government of India have been in their endeavours, throughout that painful history, to protect the health of the troops, and to save unborn generations from one of the most terrible of all diseases.

"The Report of Lord Onslow's Committee—a report, if I may venture to say so, of a most dispassionate but comprehensive character—has enabled the public at home to convince itself of the existence of a deplorable state of things, and of the strength of the position which the Government of India have always taken up, while in the despatch from the Secretary of State of the 26th March, we have a lucid exposition of the policy adopted by Her Majesty's Government.

"My Lord, those who oppose the remedial measures which are indicated in that despatch, do not deny that some remedial measures are necessary, but they deny that these are the kind of measures which should be undertaken. They tell us that an army of 70,000 men is all but given up to reckless debauchery, and that the rulers of that army do not care about making it moral, but that they only care to make it attractive to young men, and to enable them to sin in comparative safety.

"I have been long enough in India to remember the cantonment regulations of 1864. Those regulations were the outcome of recommendations made by a Royal Commission on the sanitary state of the army in India, and were framed under the sanction of the Government of Lord Lawrence, a Government which was renowned for its conscientiousness and the strength of its religious convictions. For my part, I cannot admit for a moment that the Government of that day can be justly charged with the encouragement of vice, because they deemed it necessary to repress a virulent disease by stringent regulations. As years went on, however, abuses crept in, and practices were introduced which could not and cannot be defended.

"But in the restoration of the power to make rules to check the spread of venereal disease, which the Bill before us, when it becomes law, will give us; and in the rules themselves, there is not, to my mind, the remotest trace of the abuses which existed under the old system, or of what is called by those who object to the stringent regulations of past days, the encouragement of vice.

"My Lord, the accusations which have been made against the army can easily be repelled. I maintain that the soldiers of the present day are not one whit worse than the classes from which they are drawn, in point of morality, that

they are better educated, more temperate, and better behaved, but they are mostly young men, and are thus susceptible to the influences which beset them in this land—and from which no regulations can wholly guard them—a land where prostitution is not regarded otherwise than as an ordinary condition of life, and where the profession of a prostitute is not looked upon as one of unqualified shame.

" We have been accused of merely considering the question in its relation to the checking of the disease, and of neglecting the means of improving the moral condition of the soldiers. I do not think that accusation can be persisted in, in the face of the fact that all the efforts of recent years have been devoted to raising the tone of the army by giving the soldier education, occupation, and healthy recreation, and in fostering the great temperance movement. These efforts have been strongly supported by the commanding and regimental officers of the army. But a man cannot be made absolutely moral or religious, or capable of the very highest self-control, by even the best efforts of the kind, or by acts of the legislature and by regulations. And if any great change for the better in this respect is to be obtained, it must be by raising the standard of purity among the classes from which soldiers are drawn. Let our opponents—those who so unjustly accuse the army of what they term reckless debauchery—look at home, where there is infinite need for an adequate treatment of the subject, and let them answer the question, whether the great body of young men in England practise the virtue of continence habitually, and whether they would say that these young men are given up to reckless debauchery, because even a large proportion of them sometimes yield to temptation. Those who object to the measures it is deemed necessary to take in India against the spread of a terrible disease, will find a great field lying open before them at home, in their endeavours to raise the standard of purity.

" Our duty out here seems to be plain enough. It is, to do all in our power to conquer disease, to remove temptation as far as practicable, to apply restrictive measures and restraints where advisable and necessary, and to help the men to practise self-control. I believe that the united efforts of chaplains and medical and regimental officers may do a great deal to this end.

" But when all is said and done, we are still confronted by the fact that we have an army in India which is, and must necessarily be, composed mainly of unmarried men, that a large proportion consists of very young men, placed in a country, where the conditions of life are entirely different from those existing in England, and where prostitution has, as I have said before, no extraordinary stigma of shame attached to it.

" We believe then that it is our paramount duty to maintain the health and efficiency of the army, that the virtue of continence is not to be attained by allowing the propagation of disease, but that our efforts must be strongly directed to the lessening of a great evil.

" The principles which are enunciated in the Secretary of State's despatch, the injunctions for the cure of disease, or the removal of the source of danger from cantonments, and the removal of temptation in the shape of solicitation, form the foundation of the measures which will be embodied in the new cantonment rules. It is absolutely incorrect to assert, as I have seen it asserted, that they constitute a return to the old state of things. They merely give the Governor General in Council the same powers, in dealing with venereal disease, as exist in the case of other contagious and infectious diseases dangerous to the health of the community. Our belief is that the dictates of religion and humanity alike command us to endeavour to restrain the spread of this disastrous disease, and to alleviate the sufferings of women as well as of men.

" In the earnest hope that these measures—worked, as I am sure they will be worked, with sympathetic consideration—may prove of some use in the mitigation of an appalling evil, I welcome the introduction of this Bill."

His Excellency THE COMMANDER-IN-CHIEF said :—" The necessity of repealing the Cantonment Act Amendment Act of 1895 and of amending

the Cantonment Act, 1889, has become so generally recognised and acknowledged that it seems scarcely necessary to repeat here the proofs of that necessity; but that I am unwilling that a measure of such vital importance to the British Army in India should be introduced without some support from the head of that Army.

"In 1895, owing to the mistaken efforts of certain persons, actuated, I believe, by the highest motives, but without that grasp of practical considerations which would have prepared them for the disastrous consequences of their own acts, the repeal of all restrictions on the trade of prostitution was forced on the Government of India.

"From the first those more intimately acquainted with, and responsible for the health and efficiency of the Army in India did all in their power to give warning of what the effect of such sanitary neglect would be. But those warnings were disregarded, and it was even contended that such precautions and restrictions, as had been imposed in the past, had had no practical effect in preventing the spread of venereal disease amongst British soldiers in India.

"The fallacy of this argument was not long in showing itself. The restrictions which the Military Authorities had previously been able to impose had scarcely been removed before the prevalence of contagious disease in the British Army showed a most marked increase; and perhaps an even worse result of the removal of all control was that the principal increase took place in the more virulent forms of the disease.

"The statistics of 1895 are in themselves irrefutable proof of the necessity of stronger legislation. In that year, out of 68,331 men in cantonments, the admissions into hospital for venereal diseases were no less than 36,681, or 536·9 per 1,000. Of these cases, 22,702 were syphilis. The ratio for primary disease has increased 137 per cent. since 1887, and that for secondary disease no less than 188 per cent. in the same period. Secondary syphilis was, in 1895, four times more prevalent than it was in 1873.

"Another proof of the increasing virulence is found in the average duration of the treatment of venereal cases in hospital, which has risen from 26 days in 1887 to 31½ days in 1895. This increased period of treatment in hospital leads up to another calculation which shows the inefficiency that results from venereal disease.

"I have said that the admissions into hospital for venereal in 1895 were 36,681. The average duration of treatment in hospital was 31½ days, consequently the loss of duty paid for by the Indian tax-payer was 1,155,451 days.

"As a proof that these diseases are, to a very great extent, preventible under efficient rules and regulations, I may here state that while, in the British Army in India in 1895 the admissions averaged 536·9 per 1,000, the latest statistics we have of the same class of admissions in the German Army show only 26·7 per 1,000.

"I will not impose on the Council the gruesome details of the lamentable results which syphilis is producing amongst the young and healthy men who land in India to serve their country as soldiers. The accounts from Netley Hospital which appeared not long ago in the *Pioneer* newspaper put these results on their true and most deplorable aspect; and make up a case for using the means which are available to us for decreasing these horrors which must appeal to all who are not indifferent to human suffering of the most terrible type, or have not schooled themselves to looking on inactive at the terrible inheritance which is thus being prepared for thousands of innocent persons yet unborn.

"Every effort will also be made to warn young soldiers of the consequences of immorality in this country, to point out to them the terrible risks they run, to appeal to their higher moral instincts, and to their pride in their manhood to avoid connections that carry with them grave danger that they will return home shattered wrecks unfit alike for military duty or civil life."

His Excellency THE PRESIDENT said:—"I do not wish to prolong the discussion, upon which no one who has the honour of the British Army at

heart can enter without a feeling of pain. My Hon'ble Colleagues have stated the case of the Government of India, and the general situation has been fully set forth in a remarkable debate in the Imperial Parliament which is already in the hands of everybody all over the world.

"I will therefore only make two observations. In the first place I should wish to say that I take my full share of the responsibility for the measures which the Government of India propose to adopt, and of which the Bill which my Hon'ble Colleague has asked leave to introduce is a part.

"Whatever we may think of the conduct of incontinent persons, male or female, I cannot think that any one with a scrap of humanity, who appreciates at all the awful consequences not only to the incontinent person, but to many innocent and helpless human beings, from the ravages of this dire disease, would hesitate to take any measures which are in his power to control and check the progress of a disease so insidious, so terrible, and so far-reaching. So far as this part of the subject is concerned I regard it as one more of those steps in the progress of sanitary regulation of which this age has seen so many.

"I think that on the score of morality my position is equally clear. I have already ventured on another occasion to take up the challenge of the Archbishop of Canterbury, and I say again that in my opinion a sin of this nature is one which is not worthy of a true soldier. If treachery and cowardice may be called the primary sins of a soldier and unworthy of his profession, so I venture to say is the wilful self-indulgence which incapacitates a man from the performance of his duties to his Queen, whom he has engaged to serve, and which cuts him adrift from those tenets of morality and religion which his countrymen as a Christian nation profess.

"I think I can say with confidence that your Excellency and those who are concerned in the administration of the Army in India would not wish to regard this matter from any other standpoint.

"Therefore, if, as practical men, we cannot, in considering the measures which we must take, shut our eyes to human frailty, I do not hesitate to say, as the responsible head of the Government of India, that it has never, and will never, deny its support to those who, regimentally or otherwise, have influence with the soldier, and who use that influence not only to point out to the young soldier the condemnation and punishment which such acts bring with them, but also to encourage, to stimulate, and to assist him in forming higher ideals and pursuing purer pleasures, and thus to help in the most effectual way towards removing this terrible reproach from the British Army, of which we are so proud."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India and in the local official Gazettes in English.

The motion was put and agreed to.

The Council adjourned to Thursday, the 22nd July, 1897.

J. M. MACPHERSON,

*Secretary to the Government of India,
Legislative Department.*

SIMLA;

The 9th July, 1897.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 22nd July, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Sir H. T. Prinsep, Kt.

SHORT TITLES BILL.

The Hon'ble MR. CHALMERS moved that the Bill to facilitate the citation of certain Acts be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the following amendments be made in the Bill, namely:

- (1) that the entry in the schedule relating to the Probate and Administration Act, 1889 (VI of 1889), be omitted;

(2) that for the entry in column 4 of the schedule relating to Act XIII of 1875 the following be substituted, namely :

"The Probate and Administration Act, 1875";

(3) that for the entry in column 4 of the schedule relating to Act II of 1877 the following be substituted, namely :

"The Probate and Administration Act, 1877"; and

(4) that for the entry in column 4 of the schedule relating to Act II of 1890 the following be substituted, namely :

"The Probate and Administration Act, 1890".

He said that the amendments were merely formal, and he had explained their purport at the last meeting of the Council.

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Bill, as amended, be passed.

The Hon'ble SIR JAMES WESTLAND enquired whether column 5 of the schedule to the Bill would be removed.

The Hon'ble MR. CHALMERS said that the column referred to, which only contained explanations, and was always inserted in Bills of this character and in Repealing Bills, would be expunged, and the Bill contained a note to that effect.

The motion was put and agreed to.

CANTONMENTS BILL.

The Hon'ble MR. CHALMERS moved that the Bill to repeal the Cantonments Act Amendment Act, 1895, and to amend the Cantonments Act, 1889, be taken into consideration. He said that he had stated what he thought was necessary when he introduced the Bill. The rules which it was proposed to make were published contemporaneously with the Bill. Personally, he had received no communication either from Local Governments or from any one else with reference to the Bill and rules, and he thought it was unnecessary to say anything further at this stage.

His Honour THE LIEUTENANT-GOVERNOR said :—"My Lord, the Punjab contains nearly twenty thousand British troops, and in sympathy for that twenty thousand and in hearty desire for their welfare, I yield to none. Still if this were a question affecting only the British Army in India, I should have been content to record a silent vote on this occasion; but I cannot but feel that a wider issue is involved; that before I can subscribe to the brief but important Bill before the Council I am bound to satisfy myself that it is not opposed to the interests of morality, and that the fair fame of the British Queen and country will not be tarnished by any operations instituted under its authority. I cannot conceal from myself that the Council is proposing deliberately to restore to the Executive Government a power, which was withdrawn only two years ago, in consequence of a conviction which found expression in high quarters that that power had been misused. My Lord, I have a distinct recollection of the circumstances under which that conviction forced itself upon the minds of some who were true friends of the British soldier, and I have reason for saying that it was not altogether baseless. As an Hon'ble Member said when the motion for leave to introduce this Bill was under discussion, abuses crept in and practices were introduced which could not and cannot be defended. The accusers of the system have had to bear some obloquy and contempt, but though they were misled in many respects, though they misunderstood the conditions of the problem, and though they have been proved wrong in regard to the measures they advocated, they fought, and not without reason, for the cause of morality and purity, and I for one dare not say they have not done their duty.

"But, as is often the case when public measures are affected by a wave of popular sentiment, the result has been disastrous. That which was good and salutary has been swept away with that which was evil. The detection and treatment of venereal disease is under certain circumstances as necessary as that of any other infectious or contagious disorder, and this was realised by the authors of the Cantonment Rules which, after being in force for twenty-six years, have been in abeyance for the two last years with such fatal results. Those rules are not very pleasant reading, but they dealt with hard facts which had to be faced,

and have now to be faced again ; and though some of them might have been put differently, I deny that they show a misuse of the rule-making power vested in the Executive Government. The abuses which are admitted to have followed on their working must not be laid to the charge of the men who framed the rules, who knew the classes with which they were dealing, and the terrible nature of the evil which they aimed at combating.

" But the question arises : what is to prevent such abuses from springing up in the future as they have in the past ? And the answer to this I conceive to be that it is not in the power of the Legislature to raise the standard of morality. For this it is necessary to look to other influences. I venture to say that, notwithstanding the lamentable results of the suspension of the rules relating to the subject which have been brought to light in recent reports, the arraignment of our system and the exposure of that which was faulty in it will prove to have been of service in this respect. The British conscience is more awake than it has been to the debt we owe to our fellow-countrymen who are serving their Queen and country in this land. That splendid movement which has succeeded in enlisting so large a proportion of the British Army in the cause of temperance affords a precedent for what may be done in the cause of purity, and the grand appeal of His Excellency the Commander-in-Chief to the soldier himself, which must have awakened a glow of enthusiasm in many a breast, shows what encouragement may be expected in high quarters for such a movement.

" It is not therefore without a hope that the power which we are now restoring to the Government may be accompanied by the initiation of a new era and a brighter future for the British Army in India that I give my vote for the Bill."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS moved that the Bill be passed.

The motion was put and agreed to.

The Council adjourned to Thursday, the 12th August, 1897.

J. M. MACPHERSON,

SIMLA;

The 23rd July, 1897.

Secretary to the Government of India,

Legislative Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 4, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Thursday, the 2nd
September, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India,
P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief
in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir J. Woodburn, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Nawab Sir Amir-ud-Din Ahmad Khan, K.C.I.E., Bahadur,
Fakharuddoulah, Chief of Loharu.

The Hon'ble Sir H. T. Prinsep, Kt.

The Hon'ble H. E. M. James.

STAGE-CARRIAGES ACT (1861) AMENDMENT BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to
further amend the Stage-Carriages Act, 1861. He said:—"The Act is an old one
of 1861, and it has been worked apparently easily and with satisfaction to the
community at large for a long time. It has, however, now been brought to notice

by the Government of the North-Western Provinces and Oudh that in some respects the Act is defective. They have discovered, for example, that the Act does not apply to the case of Stage-carriages which are licensed for a journey shorter than twenty miles; and they have discovered that it does not give validity to the rules which have been passed by the Local Government for regulating the distance to which stage horses may ply, and for enforcing sundry conditions which have from time to time been entered in the licenses under which Stage-carriages may ply. It was a surprise to myself to learn that the Act of 1861 does not cover these particular matters; but as it has been brought to notice it has been decided that not only in the North-Western Provinces but in other provinces also the Act should be supplemented by provisions which will give authority and validity to regulations such as those I have described. It is with that object that the few amendments which are detailed in the Bill have been prepared."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the local official gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Thursday, the 23rd September, 1897.

J. M. MACPHERSON,

SIMLA;

The 3rd September, 1897.

Secretary to the Government of India,

Legislative Department.

NOTE.—The Meeting of Council which was fixed for the 12th August, 1897, was subsequently postponed to the 2nd September, 1897.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 9, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED
FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE
PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892
(24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 1st October,
1897.

PRESENT:

- His Excellency the Earl of Elgin, Viceroy and Governor General of India,
P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.
His Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor
of the Punjab.
His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief
in India.
The Hon'ble Sir J. Westland, K.C.S.I.
The Hon'ble Sir J. Woodburn, K.C.S.I.
The Hon'ble M. D. Chalmers.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble A. C. Trevor, C.S.I.
The Hon'ble Nawab Sir Amir-ud-Din Ahmad Khan, K.C.I.E., Bahadur,
Fakharuddoulah, Chief of Loharu.
The Hon'ble Sir H. T. Prinsep, Kt.
The Hon'ble Sir H. G. P. Evans, K.C.I.E.

NEW MEMBER.

The Hon'ble Sir G. H. P. Evans, took his seat as an Additional Member of
Council.

ODDH COURTS BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to amend the Oudh Courts Act, 1891. He said :—" That Act provides for a Court of two Judicial Commissioners. It was not contemplated at the time that the Act was passed that a necessity should arise for a third Judicial Commissioner but I am sorry to say that necessity has now been established. According to the last return which we have received, there were upwards of 1,200 appeals pending before the Court of the Judicial Commissioners, and the limit of the number of disposals of appeals of the kind which they have hitherto reached has been 500. The result is that an appellant who lodges an appeal now will have to wait two years for its disposal. This is practically a denial of justice, and the Government of India have arranged, with the assent of my hon'ble friend Sir James Westland, on whom so many claims are made, and also with the sanction of the Secretary of State, that a third Judicial Commissioner should be appointed for a term of one year, in order to bring the list of appeals within manageable limits. In order to appoint a third Judicial Commissioner it is necessary to amend the law of 1891, and the opportunity is taken to carry out two amendments which are of importance. Under the Act of 1891, when the two Judicial Commissioners sitting as a Bench differ in opinion, a reference has to be made to the High Court at Allahabad for the disposal and decision of the case. Now that there are to be three Judicial Commissioners, the reference will no longer be to that High Court, but to the third Judicial Commissioner, and the judgment will be given in accordance with the opinion of the majority of the Judges of the Court. Opportunity has also been taken to add to the law in Oudh a provision which has been taken from the Lower Burma Courts Act by which the Judicial Commissioner is empowered to make rules for the recording of judgments and the taking of evidence, which will shorten and simplify the procedure of the Court, and which will, I hope, result in the speedy disposal of the great mass of litigation which is now pending. These are the only remarks I have to make."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English and in the North-Western Provinces and Oudh Government Gazette in English and in such other languages as the Local Government may think fit.

The motion was put and agreed to.

CENTRAL PROVINCES TENANCY BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces. He said :—" I must ask the Council to bear with me a little, while I explain and describe the circumstances under which the necessity for this legislation has arisen. The Central Provinces were constituted in 1861, by appropriation of areas from other great provinces of India. Tracts were taken from the North-Western Provinces, from Bombay, from Madras and from Bengal and added to the kingdom of Nagpur and made what are now known as the Central Provinces. The result was a very singular combination of races, a diversity of languages, of customs and at one time even of laws, which was perhaps peculiar in India. But one outcome of the organisation of the Central Provinces was the discovery that in that area proprietary rights were weaker and tenant rights were stronger than perhaps in any other province of India. The region was a backward one, not very thickly peopled, not easily accessible, with a scanty agriculture, a country in which tenants were of very great importance, and in which the maintenance of tenants in peace and contentment was a matter of necessity to the proprietor of land; but besides that the proprietary tenure was less certain and firm than it was in most other parts of India. In some parts there were Rajas of ancient standing and proprietary communities whose position was just as distinct and defined and clear as it was in the upper provinces of India. In other parts of the country the conduct and management of the villages rested in the hands of headmen, who were only representatives of the cultivators, and who had no distinct or definite proprietary rights; in other parts the management was entrusted by the

Government to contractors and middlemen of various kinds who had no previous connection with the villages. All these classes were simultaneously recognised as proprietors of the villages to which they belonged, or in which they resided, by the executive measures which were taken under the administration of Sir Richard Temple. Behind that arrangement no one proposes to go. There has been discussion as to whether it was a good measure or bad one; but for evil or for good that decision has been taken, and nobody proposes to vary or alter that arrangement in any form. When the provinces were constituted a separate administration, the famous old Tenancy Act of Bengal—Act X of 1859—was extended to them as a temporary measure more with the object of providing a procedure for the Revenue Courts than with the intention of laying down any distinct rules as to the rights of tenants. What these rights would be was a subject of prolonged discussion which ended in the Act of 1883 which it is now proposed to amend. The Act of 1883 recognized three distinct classes of tenants. One of these was called in the Act "absolute occupancy tenants." These were tenants who had been long and permanently associated with the village, who had probably assisted in the foundation of it, who had built houses and wells, and in various ways taken a prominent part in the settlement. Next to them came a class which were called occupancy tenants. They were villagers who were settled for more than twelve years in the village before the Act came into force. And the third class were called in the Act ordinary tenants, and included all the cultivators who were not embraced in the two upper classes of the tenantry.

"Now the legislature in 1883 found that the position and incidence of the tenure of even this ordinary class was so strong that instead of extending the occupancy sections of the Bengal Act, it was decided to confer upon the ordinary tenant powers and privileges which were very much in excess of the privileges given even to occupancy-tenants in other parts of India. To the extension of the system of occupancy tenancy the legislature then took strong exception on the ground that experience had shown in the North-Western Provinces and in Bengal the difficulty of preventing the evasion of the law by the landholders by the plan of constantly moving the tenants from one field to another and so preventing them from acquiring the rights of occupancy-tenants. As a matter of fact, the privileges which were conferred upon these classes of tenants were these. The absolute occupancy tenant was declared practically a proprietor. He was entitled to transfer his rights in his holding, without reference to anybody, to anyone he liked to assign them to. His rent was fixed, like the revenue of the proprietor, for the period of settlement. The occupancy tenant—the tenant of the next class—was endowed, for the first time in the history of the province, with the power of transfer, but subject to the approval and consent of the landlord if the transfer was to be made to a transferee who lay out of the family of the transferor. His rent was to be fixed for ten years by the Settlement-officer, and provision was made that if the landlord wished to enhance his rent during the period of settlement, it was to be subject to the approval and consent of the Revenue-officer. The ordinary tenant, the last grade of the three, was also, and for the first time in the history of the province, credited with the power of transfer of his holding; but it was decided that his power of transfer should be entirely subject to the consent of the landlord. His rent was to be fixed for a period of seven years instead of ten years; it might or might not be fixed by the Settlement-officer, unlike the occupancy-tenant, whose rent must be fixed; but once fixed it was to remain unchanged for seven years. On the expiry of these seven years the landlord might enhance the rent by private contract; but two curious provisions were inserted to protect the tenant from arbitrary and excessive enhancement. One of these was that if the tenant did not choose to pay the enhanced rent it was open to him to surrender the land and take compensation for improvements and further compensation for disturbance equal to seven times the yearly increase of rent demanded. The other provision was that he might protect himself by purchasing the right of occupancy at a sum equal to two and a half times the amount of his rental.

"It may interest the Council to know the proportion in which the different classes of tenants hold land in the Central Provinces. The absolute occupancy-tenants hold 17 per cent.; the occupancy-tenants 44 per cent.; and the ordinary tenants 39 per cent.

" This law has been working for fourteen years. The enquiries of the Settlement-officers show that, as regards ordinary tenants, the hopes and anticipations of the legislature have not been realized, and the present law is a curious illustration of the fact that benevolent and well-meant measures, however benevolent and excellent they may be, often take a long time to reach the understanding of the people. For fourteen years this has been the law of the land which I have attempted to describe, and up to the present time the occupancy-tenant has not learnt the extent and value of its powers. It has never sunk into the mind of the ordinary tenant that he can protect himself by purchasing the right of occupancy or by claiming compensation for disturbance. The investigations which the Settlement-officers have been making for the last half dozen years have disclosed that in certain parts of the country landlords enhance by means which have been accepted by the ordinary tenant without complaint in the belief that he could not resist them and in the belief that there was no method by which he could protect himself from arbitrary enhancement. These excessive rents the Settlement-officers have been able throughout the country to reduce to what are now considered fair rents with the consent of the landholders.

" I think the greatest credit is due to the landholders that when the oppressiveness of the rent was brought to their notice they have accepted so generally the recommendations of the Settlement-officers; but it is not right that matters of this kind should rest entirely on the personal influence of the Settlement-officer. An authority should be given to him to reduce rent where it is excessive and to maintain a fair rent for the future. The proposals, therefore, of the Government of India now are, not that we shall depart from the principles of the Act of 1883, but that we shall develop them in a manner which is more consonant with the habits and knowledge of the people themselves; and the main part of the amendments in this direction which I have now to recommend to the Council are that the law should be so altered in regard to the ordinary tenant that the Settlement-officer shall be given the liberty to fix rent. The law, as it at present stands, evidently contemplates that he shall be authorized to raise rents where they are inadequate. It is necessary that he should be given authority also to confirm rents, where they are fair, and to reduce them when excessive.

" Further, we shall have to consider when the ordinary tenant's rent is to be enhanced during the period of settlement by what method it should be enhanced, and how we shall ensure that the enhancement shall be fair. The plan of compensation for disturbance which was adopted from the Irish Legislation of the time has not taken root, and the proposal of the Government of India is that, as in the case of occupancy-tenants so in the case of ordinary tenants, there shall be a reference, where there is a dispute as to the propriety of enhancement, to the Revenue-officer. This is a manner of settling disputes which has long been the subject of discussion in different parts of India, and there was at one time a little hesitation in my mind as to this plan. It has not proved practicable in the North-Western Provinces, but we are advised that in the circumstances of the Central Provinces it will be so. For one thing they have now in the Central Provinces in the course of the settlement operations obtained a remarkably complete register of all agricultural conditions—the character of the soil, the rates of rent and the castes of the different villagers; but besides that in the Central Provinces there will be in future a shorter period of settlement than has been customary in some other parts of India; and advantage has been taken of these shorter settlements to arrange a rotation by which no more than two or three districts will be under settlement in one season. The result of bringing all the province under settlement at one time has been a serious disintegration of the revenue establishments and of the ordinary administration, but by this new system of rotation there will be a constant series of districts under settlement and the Chief Commissioner anticipates no difficulty of bringing to the service of each district an adequate succession of Revenue-officers, specially trained by settlement work, for the duty of adjudicating upon questions of the fairness of rents. This is the main change which has been made in the tenant law of the Central Provinces.

" There are various minor points with which I do not think I need trouble the Council. For the most part they are small matters to be decided in Select Committee. I think it will be sufficient if, at this stage, I merely lay before the Council the general principles on which the amendment of the law has been undertaken.

"On the other side there is a very important alteration which has been made in the interest of the landlord. The Act of 1891 provided that when a landholder sold his village he was entitled to reserve for his subsistence the lands of his home farm; but it has been proved by the experience of the last fourteen years that the pressure of the usurer, into whose hands the right of the landholder was departing, was so great that the landholders, as a rule, were compelled to divest themselves of the privileges which the law intended them to retain. In village after village—and I myself made very careful enquiries in the matter when I was in the Central Provinces—the landholder has been sold out and left absolutely without the means of subsistence. We propose in the Bill, which I have the honour to place on the table, to prevent the possibility of the landholder losing his home farm in future, and, by formally rendering void any contracts to the contrary, to preserve to him the means of subsistence.

"Lastly, and one of the most important principles of the Bill, is the proposal that we shall remove from the tenants of the occupancy and ordinary class those powers of alienations of their holdings which we gave them for the first time in 1883. I have said that as a body neither class of tenants has realised the privileges given to them by the Act of that year. It is convenient that it is so because the circumstance removes one of the greatest difficulties which the Government must face, should it undertake an interference with any established kind of usage. In the latest returns which I have received as to the extent to which these powers have been taken advantage of, I find that in the year 1893 only one per cent. of the area in occupancy-tenancies was mortgaged or sold and less than half per cent. in the class of ordinary tenancies, and in ordinary tenancies transfers were practically limited to two out of the eighteen districts; but, in the class of absolute occupancy-tenant, which has from ancestral times remarkable and peculiar privileges, the rate of transfer has been excessive. In that class of tenancy, which is the most valuable and the most important in some respects of all, the rate of progress was such that if it were maintained the absolute occupancy-tenant will be wiped off the register in quarter of a century. I do not think that that rate of progress will be maintained. They have learnt wisdom from the experience of the past. They have learnt more and more the value of their holdings and their position; and I have the anticipation from all the experience I have obtained that that rate of progress will diminish, but it is a warning to us. The powers of alienation were conferred on the occupancy-tenant and the ordinary tenant of the Central Provinces in the anticipation that a measure of the kind would enable the application of a larger capital to agriculture. As far as experience has gone these anticipations have not been realised, and it is further a matter of experience that tenants who have not these proprietary powers are still able to obtain all the capital which is really necessary for the working of their fields. The occupancy-tenant in the North-Western Provinces has no such power; nevertheless, there is no part of India in which the agriculture has been finer and more successful than it has been in the North-Western Provinces. In the Central Provinces large areas of waste have been given over by Government on lease to cultivators from whom all powers of alienation have been religiously withheld. The cultivators of these raiyatwari tracts in the Central Provinces are quite as persevering and quite as successful in agriculture as the occupancy-tenants.

"The Government of India, therefore, propose in this matter to retrace their steps, and, with the entire approval of every officer who has been consulted in the matter, the amendments have been prepared which I have now to propose that the power of alienation which the occupancy and ordinary tenants now possess shall for the future be withdrawn.

"There is in this connection a very difficult and important question—the question of sub-leases. A hereditary cultivator may die leaving a widow and an infant son. The widow and the infant son are unable to carry on the cultivation. There must be some one in possession of the holding who can get the agriculture carried on. But the danger of every plan of sub-leases has been recognized throughout these discussions. If you admit a sub-lease, you admit a hold on the soil. What is called a sub-lease to the Revenue-officer may be in effect a mortgage of the holding, and there is the extreme danger that if you admit a plan of sub-lease at all your intention of withdrawing the power of alienation may be altogether frustrated. Nevertheless, one cannot but admit that there are circumstances in which sub-leases are essential, and not only essential but just, and the only solution of this

very difficult problem at which we have been able to arrive is that a sub-lease should only be permissible for a term not exceeding one year and renewable, but subject to the condition that at the end of any single year it may be cancelled. This is the only adjustment we have been able to make to meet the necessities of a hereditary tenure without opening too wide the entrance for secret transfers.

"The sum total of our proposed amendments is not very large, although some of them are of high importance, but they follow on amendments which were passed in 1889, and, on the advice of the Legislative Department, we have decided to embody all in a single consolidated Act, instead of bringing in a mere amending Bill.

"Now, my Lord, I think I have explained to the Council as briefly as was consistent with clearness the circumstances in which we have made our proposals and the extent of the proposals themselves. They are designed on the one hand to protect the tenant from excessive enhancement, and on the other to protect the landholders from absolute ruin in those cases in which improvidence or misfortune compel them to part with their lands. The ordinary tenant in the Central Provinces is already a hereditary tenant. He is already protected by the law in name. The proposal is that the protection which he shall receive in future shall be made by a method which is within his knowledge and consistent with the customs of his country. The protection is one which we have already extended to occupancy tenants, and it is a simple extension to make it include ordinary tenants. If our proposals are carried—as I hope they may be—we shall insure that ordinary tenants shall be started fair by the fixation of their rents at settlement, and that rents which are enhanced in the future are maintained within fair limits; and if our proposals as to the withdrawal of the power of alienation are carried out, we shall have the confident hope that the holdings of the tenants in the Central Provinces shall be, what they were intended to be, hereditary in the occupation of the agricultural families to whom they belong.

"The experience of the last fourteen years has disclosed certain weaknesses in the Act of 1883. Weaknesses are discovered and brought to light in the course of time in every Act of every legislature. These weaknesses we hope now to remedy. It is impossible to predict anything in legislation, but I venture to hope, on the basis of the experience of fourteen years which we are now applying, that there will be no further necessity for legislation in regard to the tenants in the Central Provinces for at least another generation. It must be the earnest wish of us all that a region which is still in the throes of unparalled and terrible disaster shall now emerge into a new era of agricultural prosperity and peace."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Central Provinces Gazette in English, and in such other languages as the Local Administration may think fit.

The motion was put and agreed to.

CENTRAL PROVINCES LAND REVENUE ACT (1881) AMENDMENT BILL.

The Hon'ble SIR JOHN WOODBURN moved for leave to introduce a Bill to further amend the Central Provinces Land-revenue Act, 1881.

He said:—"These amendments are few. There are only two of them of any importance. One of them contains that amendment of the law as to the home farm of land-owners to which I have referred in my remarks on the Tenancy Bill. The other one is for the improvement of the law for the protection of a class of people known to the law in the Central Provinces as *thékádars*. *Thékádars* are people who are employed by owners of land to bring land under cultivation under various conditions and sometimes under special contracts. But where there was no special contract—and there are a very great number of cases where there is no

special contract—it has been necessary to make some provision for these thékádars when they are ejected. In some cases they have brought the whole of the land under cultivation at the expenditure of large capital. They have made tanks for the irrigation of the fields; they have made wells for the necessities of the village; they have brought at their own expense a large number of tenants and labourers to commence and carry on the agriculture of the tract. Of course the conditions under which agriculture has been established vary from village to village; and the proposals which are included in the Bill which I now hope to introduce give a larger authority to the Chief Commissioner than he possesses at present to arrange the terms that shall be made for the compensation of these people, if they are ejected, according to the circumstances of the case. These are the only provisions which it is necessary for me to explain to the Council at this stage."

The motion was put and agreed to.

The Hon'ble SIR JOHN WOODBURN introduced the Bill.

The Hon'ble SIR JOHN WOODBURN moved that the Statement of Objects and Reasons be published in the Gazette of India in English, and in the Central Provinces Gazette in English, and in such other languages as the Local Administration may think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 15th October, 1897.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 5th October, 1897.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 16, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 15th October, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Honour Sir William Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble Sir H. T. Prinsep, Kt.

The Hon'ble Sir G. H. P. Evans, K.C.I.E.

STAMP BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to consolidate and amend the law relating to Stamps. He said:— "During the last forty years there have been three general Stamp Acts; first that of 1862; then that of 1869 which consolidated and amended the Act of 1862; and thereafter the Act of 1879 which consolidated and amended the Act of 1869. The present Act is meant to be a consolidation and amendment of the

last of these Acts, that of 1879, which was introduced and passed after elaborate consideration of the subject, and very largely upon the lines of the English Stamp Act. Our hon'ble and temporarily lost colleague, Sir John Woodburn, at the last meeting of the Council, told us that, in the course of time, weaknesses are discovered and brought to light in the case of every Act of every Legislature, and this is the excuse which I make to the Council for bringing now before them for renewed consideration the Act which it is necessary to amend, namely, the existing Stamp Act. It is natural that defects should be found in an Act of the present description, which enters so largely into the business transactions of every day life. It is not intended to make any alterations in the main lines of the existing law applicable generally to stamps. Most of the alterations which it is proposed to make are alterations of a petty character, and there are only two or three which might possibly be considered to be of any importance.

"The main defects in the Act may be described as follows. First there are cases in which the law, for want of clearness, has failed in its intention. The stamp law differs from most other revenue laws in this respect, that it is left very largely to a sort of automatic operation; that is to say, it is applied by persons themselves to their own transactions, and the burden of its interpretation rests, not merely upon the lawyer, but upon the layman. It is all the more necessary, therefore, that in its working and in its explanation it should be as clear as possible, so that people who desire to pay proper duty upon their documents and who have no intention of evading the duty in any way, may thoroughly and clearly understand the obligations which rest upon them. There are also cases in which we find that the provisions of the law as they stand have been evaded, partly from apparent misunderstanding and partly no doubt because a lawyer, when he is acting for his client, is bound to carry out the transaction entrusted to him in such fashion as to burden his client in the least possible measure with duty. There are some cases in which it is found in practice that the duty imposed by law upon a certain class of transactions has been evaded by carrying out the transaction in a manner in which the same result has been obtained by the payment of less duty. In these cases, it is proposed by some of the provisions which are included in the amending Bill, to levy the amount of duty which the Act of 1879 intended to levy. There are again cases which, it has been found in the experience of the last eighteen years, have not been adequately provided for; and I say this both in the interests of the revenue and in the interests of the persons who are chargeable with duty. There are cases in which greater facilities may be given to the public than are afforded by the present law and there are cases in which petty hardships are inflicted which the present law does not enable the local officers to meet.

"In two or three of these cases the defects have been remedied by previous amendments, there having been, since 1879, two or three amending Acts. But by far the larger number of the defects brought to notice from time to time have been merely examined, noted and recorded with a view of their being brought before the Legislature in a general amending Bill. These cases were all gathered together and submitted for the consideration of Local Governments and the officers whom they desired to consult, in a circular which was issued in the beginning of 1895. We have received in reply to that circular a large number of suggestions and criticisms of the law as it at present stands. Some of the suggestions which have been made to us we do not see our way to adopt, but such of them as commend themselves to us are embodied in the Bill which it is now intended to lay before the legislature.

"The main question which will interest the public in connection with the amendment of the Act is the question what alterations are proposed in the duties. For the most part—I should say in all but very exceptional cases—we leave the duties as they at present stand. It is not our intention to ask the legislature to pass a law in aid of the revenue; but in going through the duties as they stand and in collating the opinions regarding them, there are one or two points in which the duties require amendment. I shall, first of all, mention cases in which it is proposed to increase duties. The first of these is the large class of instruments upon which one anna duty is at present levied. The Act as it at present stands

necessarily quotes documents by their English names—quotes, for example, a bill of exchange. A bill of exchange is a document which is established in a very well known form by English Mercantile Law. In this country, very naturally, the English forms of these documents are not the same as those adopted by Native Merchants in their transactions; and questions have consequently arisen with reference to mercantile documents which have the same purpose in Indian commerce that bills of exchange have in English commerce, whether they are liable to duty as bills of exchange. Now, I may mention that in the English Stamp Act bills of exchange have got a specially wide definition. A bill of exchange for the purposes of the Negotiable Instruments Act is defined in the English law relating to negotiable instruments. But in the English Stamp Act it is prescribed that for the purposes of that Act a bill of exchange shall mean a very much larger class of documents than is included within the wider definition of the Negotiable Instruments Act. We have now taken that English definition and we have brought it into our Indian Stamp Act. The result will be that we shall include, mostly under the one-anna rate of duty, a number of instruments which at present escape duty because they are drawn in the native character and are not called hundis, the native hundi being the only name that is expressly included in the term bill of exchange.

“The same course we follow with regard to the definition applying to promissory notes. We have introduced into our present Act a definition of promissory note taken from the English Stamp Act.

“We do not, except in one small particular, propose to alter the duty which is levied upon bills of exchange and cheques, cheques being only one of the varieties of bills of exchange. The intended alteration is that we do not propose to carry on the existing exemption in favor of bills of exchange and other such documents for an amount of less than twenty rupees. Receipts for less than twenty rupees are at present exempted from duty; and as it is an obligation by law to give a receipt in certain cases, we do not propose in any way to alter the taxation of receipts or to impose upon receipts not exceeding twenty rupees a tax which they do not at present bear. But in the case of bills of exchange and cheques, we remove the twenty-rupee exemption, and in this respect we copy the English Act. I may mention that there is a history affecting bills of exchange for less than twenty rupees, and that their exemption from duty appears to have arisen by mistake. I quote from a very learned book written by the Hon'ble Mr. Chalmers in a former state of existence in which, dealing with bills of exchange, he says:

‘By Statute George III, Cap. 88, negotiable bills for less than twenty shillings were made void in England and any person who issued or negotiated them was made liable to a penalty not exceeding twenty pounds.’

“This law has since then been set aside, but it appears to have been the origin of the practice of exempting bills of exchange and cheques under a certain amount, the fact being that in England these were not exempted from taxation, but they were *ipso facto* illegal and there was a penalty attached to the drawing of them.

“In the case of promissory notes there is another alteration which has been made and in which we have also copied the English Law. As the law at present stands a promissory note bears the same duty as a bill of exchange payable on demand. Demand means a very different thing in the case of a bill of exchange from what it means in the case of a promissory note. When a bill of exchange is payable on demand, it is intended, unless it is of the variety known as kites, to start at once upon its journey; it passes through various hands and towards discharge. Now, when a person makes a promissory note payable on demand nothing would surprise him more than the presentation of the note being immediately made to him. It is not really meant to be payable on demand although it is expressed to be so. A promissory note is therefore treated as a continuing security in England, and it is provided that promissory notes shall bear the duty which is payable on a bill of exchange drawn otherwise than on demand. In this respect, therefore, we have copied the English Act and made a change which increases the duty payable upon these documents.

" Another change in the direction of increase is in the case of what are called in England equitable mortgages, and which in the Indian Stamp law, as it at present stands, are called by a rather lengthy name—instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title deeds or other valuable security. These equitable mortgages, according to English law, pay two-fifths of the duty payable upon a bond. In India the duty is extremely small; it only comes to one-eighth of the amount payable on bonds. An equitable mortgage is a transaction which frequently covers considerable amounts of money, and it is a cheap way of carrying out ordinary borrowings from banks and the like. We propose to raise the duty payable in these cases to about one-fifth of the amount required in the case of formal borrowing by bond. This rate is, in proportion to the duty upon bonds, half of what is leviable by the English law, and seems to us a moderate demand in respect of the transactions involved.

" There are only two other cases in which we have increased the duty, or levy a duty which is not at present provided for. The first is the case of a deed of adoption. A deed of adoption is defined in the Indian Act as one conferring authority to adopt, and is chargeable with a duty of ten rupees. There is no duty payable upon instruments recording adoptions. We propose to include these in the definition of deed of adoption, and thus to extend the ten-rupee duty to cases of adoption. An adoption very frequently conveys to the person adopted very valuable rights indeed, and it is a document which mostly passes between persons possessing ample estate. There seems to us no reason why these deeds should be exempted from stamp duty.

" The other case to which I wish to refer is that of a perpetual lease. It is provided in the existing law that a perpetual lease is chargeable only as a conveyance for a consideration equal to the amount of one year's rent. One year's rent is a very small standard of duty of what may be really a conveyance by sale of a very valuable property. Under these circumstances we propose to regulate the duty, not upon a consideration equal to one year's rent, but upon a consideration which is equal to ten years' rent.

" It will be observed also under the head of power-of-attorney, that we have provided for one class of evasion which is not unfrequently practised under the law as it stands, namely, the facility given for effecting mortgages and the like by what is in form only a power-of-attorney. A power-of-attorney, when it is drawn for a purpose like this, will pay a duty equal to the duty payable in respect of the conveyance of the property for the assignment for which the power-of-attorney is drawn up.

" There are also one or two cases, such as petty partnerships, and petty sales by order of court, in which we have reduced the duty at present assessed.

" So far as regards increases of duty which we propose to introduce into the present law; it will be seen that they are not very many. We have further taken the opportunity of making special provision in the Act with reference to debentures. There is at present no special provision with reference to debentures. They are dealt with under the general conditions of bonds. But since the law of 1879 was passed, debentures have come very largely into use, and the practice of limited companies issuing debentures has been extended very widely. We have therefore made special provision relating to debentures. We do not alter the tax upon them; they pay the same duty as is payable on bonds under the existing law; but we have incorporated in the existing law one kind of exemption which has been given by notification, namely, we have provided that in cases of debentures issued in pursuance of a mortgage deed, they shall be exempted from further duty; that is, the duty shall be payable once upon the mortgage-deed, and not again upon separate debentures issued in conformity with it. This provision is intended for the benefit of limited companies, and does not apply to private persons or proprietors of estates issuing debentures as is now sometimes done. Such debenture-issuers will be responsible, not only for the payment of the duty on the mortgage, but also for the payment of the additional duty which is required under the existing law for debentures issued under the mortgage.

" We have also for the facility of business connected with debentures provided in the Act itself for the renewal of debentures without the payment of any

extra duty. At present, when a company wants to renew debentures, it has to pay the same duty upon them as upon the originally issued debentures. We have provided that when debentures are renewed, they shall not be chargeable with any new duty, and we allow also for certain alterations in the terms of the debentures being effected without new payment of duty.

"I do not propose in any way to go over all the petty alterations in the provisions of the Bill; they will be dealt with in due course by the Select Committee. There are only one or two matters to which I wish to call attention.

"The first is with reference to a new section which was passed as Act VI of 1894 to give facilities to local authorities for issuing debentures upon payment of composition duty. We have by the addition of a word in that section included the exemption of transfers as well the exemption of issues of debentures; but we have also made provision, by adding a sub-section, for levying a penalty upon a local authority which issues debentures without first of all paying duty. This penalty is taken word for word from the similar provision in the English Act.

"The next alteration is the provision of a method of cancellation of adhesive stamps. People are bound to cancel stamps, but no direction is given as to the method of cancellation. We provided in the law one method of cancellation; that method is not made absolutely obligatory, but it is desirable to give people one clear method of complying with the prescription of the law as to effecting cancellation. In section 20 we have provided a rate of exchange for the conversion of amounts expressed in foreign currencies for the purposes of valuation under the Act. The existing law lays down a rate for the conversion of sterling and one or two other currencies into rupees. That provision, I need not say, has become altogether obsolete; and now, instead of fixing a particular rate for the conversion, we have given power to the Governor General in Council by the issue of a notification to prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of British India.

"Another section which is very far from clear is that which is now section 24 and relates to the sale of property which is transferred to any person subject to incumbrance. It is necessary to provide that the consideration for such sale should be reckoned not only upon the money paid but also upon the money due for discharge of the encumbrance. We have explained this by an explanation and illustrations attached to the section.

"Then in section 26 we have made special provision for the case of leases of mines. This section provides for the case of levy of duty *ad valorem* when the amount on which to reckon the duty is unascertainable. The provision of the present law is that a person may select his own rate of duty, but may not upon the document recover more than that duty covers. In the case of mines of which the rent is a share of the produce it is utterly impossible to tell beforehand what the amount of rent may be. We have therefore provided that any person who chooses to assess the share of the produce at 20,000 rupees a year may recover any amount in excess of that estimate without regarding the limit covered by the duty paid.

"In section 29 we have provided that if a person besides giving an original receipt is called upon to give a copy of it, he will not be responsible for the payment of the duty on that copy, but the person who demands it.

"Chapter IV of the Bill deals with the admissibility of improperly stamped documents in evidence. We have received from some judicial officers objections to the whole principle of this chapter. They have given us many valuable suggestions and criticisms upon the working of the Stamp law, but we are unable to accept their views in respect to the authority of Civil Courts to admit documents in evidence which are not properly stamped. The whole of this subject was carefully gone into and explained at the time that the Act of 1879 was before the Council; and I refer hon'ble members and the officers in question to those discussions as giving ample reasons why we should maintain the law on the subject, which obliges Civil Courts to refer these matters to the revenue officers and not to dispose of them themselves. In this chapter we have made some provision for the benefit of the public, namely, in giving revenue officers the power to interpose of their own motion in favor of a person subjected to a penalty.

"We have added a section 48 which gives the necessary power to the Collector to recover all sums required to be paid under the Act, there being at present no provision of this kind.

"In the case of Chapter V, which deals with spoiled stamps, we have made the whole subject much more clear than it stands in the present law. There is one change which has been made in this Chapter to which it is necessary to draw attention because I think that the present provisions of the Act are based upon a misunderstanding. The provisions of the English Act, from which the Indian law is taken, are that if a document is found to be void in law from the beginning, the parties who executed it can claim refund of the duty which they have paid upon it, provided no legal proceeding has been commenced in which the document would have been given in evidence. As adopted in the Act of 1879, this section was worded so as to apply to documents which have been found by a Court of law to be void. This the reference to the English Act will show to be a mistake. If a document is found by a Court to be void, it must have been produced in evidence before that Court and must have been made use of by the party producing it. There is no reason why duty should in such a case be refunded. We have therefore amended the existing Indian law in this respect so as to bring it into conformity with the English law.

"In section 51 we have inserted a provision which will give certain facilities to companies which in the course of their business keep a considerable number of stamped forms for use. Cases have occasionally arisen in which these forms have ceased to be useful for the purposes for which they were prepared. There are no provisions in the existing law by which a refund of the duty paid on such forms can be claimed; although claims made in such cases have been considered by Government, and refunds made by executive order. We have thought it better to provide greater facilities in this respect and have empowered the chief Revenue authority to give refunds in these cases.

"In section 64, the general penalty section, an alteration has been made by including as an offence under the Act the doing of an act with intent to defraud. If the English Act be referred to, it will be found that the general penalty clause is much wider than the section proposed.

"In the chapter relating to supplemental provisions (Chapter VIII), there is one new clause, which we have taken from the English Act, and which subjects every public officer, and therefore every Judge of a Court, who is in charge of records of any description, to give access to the revenue authorities for the purpose of making any enquiry to determine whether any document is insufficiently stamped. In transferring that section from the English to the Indian Act we have omitted the penalty clause, because we consider that the Judges and other public officers in this country are likely to conform to their legal obligations without being threatened with a penalty of ten pounds in case of default.

"There is one alteration we have made in a small matter. We have provided that one anna adhesive stamps may be sold without any license being necessary.

"In the schedule to the Act we have made several changes in form which we believe will conduce very largely to public convenience.

"First, we have improved the alphabetical order. For instance, in the case of a divorce or a gift, people would naturally look under the letter D or the letter G, as the case may be. If reference be made to the existing schedule, they will not be found under these letters, but under the letter I, namely, under the head of Instruments. There are other similar cases.

"We have also removed exemptions from their position in a separate schedule of exemptions and placed them in the schedule of duties under the articles to which they refer.

"Another change is that we have made the ascertainment of duty more direct and more easy. For example, the three tables of duty under the heads of bills of exchange, bond and conveyance are at present drawn up in a very curtailed form. It is impossible, when considerable amounts are involved, without the aid of paper and pencil, to make out from the different tables the duty

payable on a particular instrument. By extending the table we have made it easy for a person by a reference to the schedule to ascertain directly what the particular duty is. We have altered the schedule in another respect by improving the references; for example, if you want to find the duty on an administration bond, you are referred to security bond; and if you turn to security bond, you are sent to find the proper duty under the head of bond. There are several cases of double reference of this kind, and we have in these cases made the reference direct.

"Besides the exemptions which are mentioned in the Act itself there are a large number which have been effected by notification. These refer chiefly to documents which arise in the course of the business of public departments. If we bring these into the new Act, we will crowd the schedule largely with matters of no general public interest. We therefore propose to continue the present practice and to provide for all these exemptions by notifications and not by bringing them into the Act itself. There are a few documents of this character which are exempted under the provisions of the Act as it stands, but we have cut out these exemptions with the intention of including them in the list of similar instruments which have been from time to time exempted by notifications. This list it is intended to print and make public as soon as possible, so that any person who has any interest in these documents will see that the removal of them from the schedule of exemptions is not to be interpreted as an intention to levy any duty upon them.

"I have thought it necessary to make these remarks, for the length of which I hope to be excused; but the Bill is one which contains a very large number of amendments and affects a very large number of common transactions, so that, it is necessary to enter into explanations in some detail. I have now explained all but the most unimportant matters in which it is proposed to amend the Act of 1879, and I make the motion which stands in my name."

The motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND introduced the Bill.

The Hon'ble SIR JAMES WESTLAND moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit. He said that he might mention that in the publications of the Bill it was intended to reprint it in the form in which it was compiled for working purposes in the Legislative Department; namely, that new and altered matter would be shown in italics, and in addition to that would be shown on the margin of each clause the authority, in the Indian or English Acts, from which the clause was taken.

The motion was put and agreed to.

INDIAN PENAL CODE AMENDMENT BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to amend the Indian Penal Code in relation to Extra-territorial offences. He said:—"The objects of this Bill are stated in the Statement of Objects and Reasons, and I think that I need say a very few words about it. The purport of the Bill is to define on the face of the Code itself the extent of its extra-territorial operation; that is to say, the extent to which the Code applies to offences committed outside British India. As the Council are aware, the powers of the Indian Legislature are wholly derived from Acts of Parliament. At the time the Indian Penal Code was passed, that is to say, in 1860, Parliament had only conferred on the Indian Legislature the power of dealing with extra-territorial offences in one particular case, namely, where the offence was committed by a servant of Government; consequently, the only provision in the Indian Penal Code which deals with extra-territorial offences is a provision contained in section 4, which punishes offences committed outside British India by servants of Government. But since 1860 Parliament has conferred various extra-territorial powers on the Indian Legislature. Those powers have to a large, but not to the full, extent been exercised by the Foreign Jurisdiction Act of 1879. We think it is right and convenient, in the case of a Code like the Indian Penal Code, that the extent of its extra-territorial operation should appear on the face of the Code itself. This Bill is

accordingly proposed to be introduced for the purpose. Section 4 of the Indian Penal Code will be repealed and a new section will be substituted which will exercise the powers conferred by the English Statutes on the Indian Legislature, and will provide that the provisions of the Code shall extend first to any native Indian subject of Her Majesty in any place without and beyond British India; secondly, to any other British subject within the territories of any Native Prince or Chief in India; and thirdly, to any servant of the Queen, whether a British subject or not, within the territories of any Native Prince or Chief in India; that is to say, we shall exercise to its full extent our Parliamentary authority to deal with offences committed outside India.

"That is the main provision of the Bill; but we have also inserted another clause, namely, clause 3, to carry out a suggestion of the Bombay Government. We have made it an offence for a person in British India to abet any act which would be an offence if committed in British India, but, as a fact, is committed outside. In short, to put it in popular language, we have extended the law of abetment to offences committed outside British India. It has been held by the Bombay High Court that if a person in British India abetted or incited a murder in Goa, he would not be guilty of any offence. We have come to the conclusion that he ought to be deemed guilty of an offence, and that India is not to be made an Alsatia for instigators of crime. I think I need say nothing further in support of this motion."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. CHALMERS moved for leave to introduce a Bill to consolidate and amend the law relating to Criminal Procedure. He said:

"The object of this measure is to consolidate and amend the various enactments now in force relating to Criminal Procedure.

"The Code of 1882 has been amended by 16 different enactments, so that it no longer contains anything like a complete statement of the law relating to Criminal Procedure, and a consolidation of these enactments has become imperative.

"But mere consolidation is not enough. Fifteen years working of the Code have shown it to be defective in many particulars which have not been touched by the amending Acts. It would be outside the scheme of the Government of India to make any organic changes in the Code. But the task of revising in detail 560 sections and five lengthy schedules has not been a light one. Happily, I have had the assistance of my honourable friend Sir H. T. Prinsep, and on him has fallen the brunt of the work. His qualifications for this work are well known. By his successive editions of the Codes of 1861, 1872 and 1882, he has made the subject peculiarly his own, and I am fortunate to have had his collaboration.

"As the Council are aware there are eleven High Courts in India, or rather Courts which have the powers of High Courts. All these Courts are Courts of co-ordinate jurisdiction. The decision of any one of these Courts is not binding on any other of them, and, as far as I can judge, there is not the same anxiety in India, as there is in England, to follow, if possible, the ruling of a Court of co-ordinate jurisdiction. As a necessary consequence of this state of things, many provisions of the Code have been differently interpreted in the different provinces. Thus one and the same provision of the Code may have an entirely different operation according to the locality in which it is applied. The inconvenience of such a state of things is obvious, and it emphasizes the necessity

pointed out by Sir Fitz James Stephen for the periodical revision of our Codes. My honourable friend Sir Henry Prinsep undertook the labour of going through all the reported decisions of the Courts and collating the results. We have endeavoured, by drafting amendments in the Bill, to remove, as far as practicable, these discordant interpretations, and to restore uniformity to the law.

"But apart from the decisions of the Courts, we have been favoured with large numbers of suggestions for amendment in the Code, which have been furnished by local authorities, judicial authorities and other experts. These suggestions when collected form a pile of papers considerably higher than this table. My honourable friend kindly took upon himself the task of examining these suggestions, and of winnowing the grain from the chaff. We then in consultation settled the amendments to be adopted and inserted them in the draft.

"As I have said organic reform is outside the scope of the Government scheme, and, subject to two exceptions, I do not think I need trouble the Council at this stage with any remarks on the amendments we have introduced. They are essentially matters for a Select Committee. When the Bill reaches that stage, I trust they will be carefully and critically examined.

"The first exception that I refer to owes its initiative to my honourable colleague Sir John Woodburn. In parts of India there appears to be an increasing unwillingness to come forward as sureties for good behaviour. The consequence is that there is an increasing number of persons, who being ordered to find security for good behaviour or to keep the peace, have to go to prison in default of finding sureties. To mitigate this hardship, provision has been made in the draft Code that, when a man, who is ordered to find security, cannot do so, the Magistrate may, if he thinks fit, instead of sending him to prison make an order placing him under police surveillance. Police surveillance is not introduced as a substitute for security, but merely as an optional alternative to actual imprisonment.

"The second amendment, which involves a matter of principle, is the introduction of the English rules as to first offenders. Provision has been made that in case of a first conviction for theft, criminal misappropriation or any other offence punishable with not more than two years' imprisonment, the Court may, if there be extenuating circumstances, release the offender upon certain conditions instead of sentencing him. The conditions are that he should execute a bond, with or without sureties, to come up for judgment when called upon, and in the meantime to keep the peace and be of good behaviour. This system has worked well in England. It has also worked well in France and in other continental countries where it has been adopted. I see no reason why it should not also prove successful in India, and I sincerely trust that it will do so. In the class of cases to which these provisions apply, I think that too much stress cannot be laid upon the distinction between first offenders and habitual criminals. In the case of a first offender who perhaps has committed some offence under sudden or grave temptation, the anxiety of the trial and the disgrace of conviction are often sufficient punishment. In the case of an habitual offender, it is obvious that previous punishment has not acted as a deterrent, and it is very rarely that any punishment that can be awarded will have the effect of reforming his ways. The object of the law is confined to inflicting such punishment as may act as a deterrent to others, and keep the habitual offender out of mischief for a considerable time. It is sometimes urged against the English system of dealing with first offenders that a nominal punishment would be a more appropriate remedy. But I would point out that the provisions we propose to adopt are much more effective than any slight or nominal punishment. The offender still has the judgment hanging over him in case of misbehaviour. If he misbehaves, he will be called up for judgment, and then a substantial sentence can be awarded on the original conviction.

"If there are any other amendments to which attention ought to be called at this stage, I have no doubt my honourable friend will deal with them. I will only add this much. Looking at the Code of 1882 as an English lawyer, I cannot say I am much enamoured of it. Many of its provisions appear to me to be cumbersome, complicated and over-minute. But then I am aware that India is not England. There may be good reasons for regulating minutiae of procedure here which in England are dealt with as matters of discretion or court practice. The

Code of 1882 has been in force for 15 years, and Courts, practitioners and the public have become familiar with it. Any attempt to alter it organically would for some time create great confusion, and would probably do much more harm than good. This consideration we have steadily kept in view. We have even, at some sacrifice of form, preserved almost entirely the original numbering of the sections. When a section has been repealed we have split up some neighbouring section so as to fill up the gap. When new matter has had to be inserted, we have, as far as possible, inserted it as sub-sections to the original sections or reserved it to the end. As the result, I think the numbering of only five or six sections has been altered. This no doubt involves some awkwardness of form, but does not, I think, outweigh the practical convenience of retaining the original numbering of the sections."

The Hon'ble SIR HENRY PRINSEP said:—"My Hon'ble friend, the Legal Member of the Viceroy's Council, who has moved for leave to introduce this Bill, has invited me to follow him in explanation of its details which are in amendment, and, we hope, in improvement, of the present law.

"I do not propose to refer to each of these in turn. To do so would unnecessarily waste the time of this Council. I shall address myself only to those amendments which affect the law on any important point, for the Statement of Objects and Reasons attached to this Bill refers to all of them, and many are of so simple a character as to call for no other special notice. My object is to draw the attention of this Council, and of those who are likely to offer any further suggestions for our consideration before any alteration of the law takes place, to matters of practice which most materially concern the procedure of the Criminal Courts, and by this means also probably to lighten the labours of the Select Committee to which in due course this Bill will be submitted for examination and report.

"There has been no attempt to introduce any new law, except on the points already mentioned. The objects of the Bill under consideration are in the first place to consolidate the present law now contained in the Code of 1882, and sixteen amending Acts since passed; in the next place to express the law clearly on points on which the Superior Courts have given contradictory interpretations, or have interpreted it in a sense which seems to be opposed to the intention of the Legislature; and lastly to expand it so as to meet difficulties which have arisen in practice. There have been also a few amendments in the drafting. The arrangement in the Code of 1882 has been scrupulously maintained, and it will also be found, as stated by my Hon'ble friend, that the amendments have been introduced so as practically not to alter even the numbering of the sections. The definitions of various expressions have also been arranged alphabetically. The convenience of all this will be readily acknowledged by all whose duties, official or professional, bring them in connection with matters relating to this branch of the law.

"It has been under consideration whether this Code, with certain necessary special provisions, should not be extended to the Police of the Presidency Towns of Calcutta and Bombay. It already applies to the Police of the Town of Madras. The Local Governments of Bengal and Bombay have, however, expressed a wish to deal with this subject by special legislation; but, while deferring to their wishes, it is proposed to give the Local Governments, with the sanction of the Governor General in Council, power to extend such portions of the Code to Presidency Towns as may be found to be necessary. As an instance of this, I would venture to draw attention to section 164 of the Code which enables a Magistrate to record a confession or statement made to him before the commencement of an inquiry or trial. It has been held that the power conferred by this section cannot be exercised in these Presidency Towns. The amendment of section 1 will enable the Government, if it so desires, to extend this and other sections to proceedings in those Towns.

"Chapter XXXIII, relating to criminal proceedings against Europeans and Americans, remains untouched. Some parts of it may be open to improvement; but it has been considered preferable to await the result of further experience of its working, for, although as amended in 1884, it has been in operation for

several years, the cases under it have been few, and no serious inconvenience has been felt to call for its further amendment.

"Amongst the definitions, a definition of 'trial' has been introduced, thus re-enacting the definition which appeared in former Codes, and was repealed by the Code of 1882. The definition marks the distinction between an inquiry and a trial before a Magistrate; it has been found in practice that confusion has arisen from the present Code which has omitted it.

"Section 10 will enable a Local Government to appoint temporarily an additional District Magistrate whenever some special work of an urgent character, as, for instance, plague, famine or settlement-work, may prevent the District Magistrate from performing the duties of his office. The duration of such a special appointment has been limited.

"The object of the amendment of section 21 is to give the Chief Presidency Magistrate generally the same control over other Presidency Magistrates as is now exercised by a District Magistrate over other Magistrates in the District.

"The amendments in sections 31—34 will enable an Additional Sessions Judge to deal with a case tried by an Assistant Sessions Judge or a Magistrate exercising special powers under section 30 in certain Provinces which require confirmation of the sentence passed, if it should be beyond the ordinary powers of such officer. An Additional Sessions Judge exercises the same powers as a Sessions Judge in his ordinary jurisdiction, and there is no reason why he should not also have jurisdiction to deal with such cases, which, under the present law, can be tried only by a Sessions Judge.

"Section 35 of the Code enables a Magistrate to pass separate sentences in excess of his ordinary powers on a person convicted at the same trial of two or more distinct offences. The explanation and illustrations which have been introduced are intended to show the difference for purposes of this section between distinct and separable offences as provided by section 71, Indian Penal Code. The reported cases show some confusion in applying the correct rule.

"Section 41 (2) will enable a District Magistrate to withdraw any power conferred by him on a subordinate Magistrate in the same way as the present law enables a Local Government to act in respect of powers conferred by it.

"The addition of sub-section (2) to section 44 has been introduced, so as to apply the law in respect to the giving of information regarding the commission of, or intention to, commit certain specified offences in British India, to offences in Native States. It has been found that preparations to commit such offences in Native States have been made in British India, while the law imposes no obligation to give timely information which, in many instances, might have prevented the commission of those offences. The obligation is also extended to the giving of information of such offences when committed so as to give greater facilities to the detection and arrest of the offenders.

"The object of the amendment of section 54 is to enable a village Police-man or Chowkidar to arrest without warrant as an ordinary Police officer, because it has been held that such powers can be exercised only by an officer of the regular Police force. There is no sufficient reason why such a distinction should exist, while it is obvious that the immediate arrest of persons falling within the section is most necessary to promote the ends of justice.

"Section 57, as amended, is intended to provide for the case of a resident in a Native State, who may have committed a non-cognizable offence in British India and in the presence of a Police officer, but who, under the present law, after his name and residence have been ascertained, must be released from custody on giving a bond for his appearance. If he thereupon returns to his residence in a Native State, no further proceedings can be taken against him, either to enforce the terms of the bond, or to obtain his attendance before a Magistrate. It is proposed therefore, in such cases, to require a bond with surety or sureties resident in British India.

"The object of section 61 is to prevent unnecessary detention by the Police of a person arrested, and the term of such detention, unless extended by a special order of a Magistrate, is limited. The section will apply to an arrest by a village

Policeman or Chowkidar under section 61 as amended by this Bill, or to the case of one arrested by a private person under section 59, and any unavoidable delay in taking him to be placed in the custody of a Police officer, who is competent to hold an investigation, may result in the expiry of the limit of detention in police custody before he can be so made over, or before an investigation could have commenced. It is therefore proposed to limit the operation of section 61 to detentions by Police officers of the regular force.

"Section 106 (3) is intended to settle the law in consequence of contradictory judgments of the High Courts of Calcutta and Allahabad. There is no sufficient reason for limiting to a Court of first instance the power to add to a sentence an order for security to keep the peace, where the recorded evidence satisfies a Court of Appeal or Revision that such an order is proper. Section 423 (d) will give an Appellate Court power to make such an order, and this power will also be conferred on a Court of Revision by section 439.

"Section 110 has been re-cast, and it has been extended so as to enable security for good behaviour to be taken from the protectors and harbourers of thieves and disposers of stolen property; (f) is a re-enactment of a part of the Code of 1872, the repeal of which by the Code of 1882 has been found to be inconvenient in practice.

"Section 144 has been extended to Presidency Towns, as there is apparently no reason why a Presidency Magistrate should not have the same summary powers as other Magistrates to pass an order, with temporary effect only, when the interests of the public require him to take immediate action to prevent serious consequences to human life, health or public tranquillity.

"The amendments of sections 145—147 are generally the restoration of the law which was for very many years in force before the Code of 1882. The modifications then made have resulted in some confusion in regard to the matters which can be dealt with by a Magistrate within the terms 'disputes relating to any tangible immoveable property or the boundaries thereof,' and it has also been found that these terms, which are less wide than those in the previous law, have unduly restricted the action of a Magistrate in many kindred matters likely to cause a breach of the peace. The time of the possession which the Magistrate has to find has also been expressly declared to be that of the date of the order passed by him taking cognizance of the matter in dispute.

"The amendments of sections 156—159 will enable certain specially empowered Magistrates to order an investigation into certain cases in which the police may have abstained from holding an investigation.

"Conflicting judgments of the High Court in regard to the right of an accused to see statements made by persons examined by a police officer in the course of an investigation have made it necessary to settle the law in this respect. It is proposed by an amendment of section 161 to make such statements privileged in the same manner as police diaries are protected by section 172. This view of the law and the reasons for it have been exhaustively discussed and explained in a recent case by Edge, C. J., and it is proposed to accept his judgment.

"Under section 191 the accused is entitled to claim the transfer of a case to another Magistrate, or its commitment to the Court of Session, if proceedings have been taken by him otherwise than on a complaint, or on a police report of the facts constituting an offence. The amendment requires that such right shall be claimed only before any evidence has been taken, and not at any stage of the trial as, for instance, after the evidence taken has gone against the accused. An application for a transfer of a case at such a stage of the trial could not be regarded as *bona fide*.

"The present Code, section 7, declares that a Sessions Division shall be a District or consist of Districts; but it does not contemplate, as sometimes happens, that a District may fall within two Sessions Divisions, and it has been found impossible to make them conterminous in regard to other departments of the administration. It is therefore proposed to remedy this difficulty by enabling a Local Government to appoint the Sessions Judge of the adjoining jurisdiction an Additional Sessions Judge, so as to make him competent to try cases

relating to such localities, which otherwise would have to be tried at a greater distance and with much inconvenience to the parties and witnesses.

"Section 194, as amended, embodies Act X of 1875, section 144. The only other unrepealed section of that Act is sufficiently enacted in section 333, so that the entire Act may now be repealed.

"The object of section 195 (2), which defines a Court for purposes of that section, is to exclude proceedings under the Registration Act. In respect to the application of the section of the present Code to such proceedings, the judgments of the High Courts have been contradictory. Such matters are sufficiently provided for by the Registration Act. The addition to sub-section 6 will enable the High Court to extend the term of a sanction to prosecute given under this section, which, in many cases, may be desirable in the ends of justice. It has been held by the Calcutta High Court, under the present Code, that the term for which sanction to prosecute is in force cannot be extended.

"It has been found that some Magistrates refuse to allow the cross-examination of witnesses for the prosecution before commitment. It is now proposed to give an accused option to cross-examine so as to enable him, if he is so advised, to show that the evidence for the prosecution does not warrant his commitment to the Sessions Court.

"Section 213, as amended, will enable a Magistrate after commitment made, and after further proceedings taken under that section, to cancel a commitment, if, on the evidence so taken, he finds that the charge is unsustainable.

"Section 225 (2) requires that any objection to the form of a charge shall be made at the earliest opportunity; and that if not so made, it shall not be sustainable, so as to prevent miscarriage of justice on such technical matters. Several reported cases show the necessity for such a rule.

"The amendments of sections 227—231 will settle the law in regard to the powers of a Court to add to the charges before it. Some reported cases show that the law has been differently interpreted in this respect, and it is proposed now to make it clear.

"The illustration to section 236 will serve to show that statements made by a witness, which are both contradictory and irreconcilable, constitute the offence of intentionally giving false evidence, and may form the subject of a charge in the alternative, the judgments of the High Court having differed in this respect.

"Several attempts have already been made to prevent abuse from the exercise of the right of re-calling the witnesses for the prosecution for purposes of cross-examination, but the intention of the Legislature is still evaded. It has been found that, even after a full cross-examination of the witnesses for the prosecution, the right is successfully claimed for the purpose of going over the same ground as that followed in the previous cross-examination; and that witnesses are re-summoned for that purpose. A second cross-examination, under such circumstances, is unnecessary for the purposes of a fair trial. It causes only a mischievous waste of time, and is certainly harassing to persons obliged to appear as witnesses a second time before a Magistrate. The amendment of this section is intended to prevent such a practice, and the amendment of section 257 has the same object in view.

"The present law does not declare at what place a Court of Session shall sit. Section 269 (2), while declaring that such Courts shall sit as at present, will enable a Local Government, by general or special order, to fix another place, either for the ordinary sitting of such a Court, or for any particular trial.

"Section 388 enables a Court to suspend execution of a sentence of imprisonment passed in default of payment of a fine while a warrant for distress for levy of the fine is being executed, and it provides that a bond, with or without sureties, may be taken. But it does not provide for a case in which a sentence of imprisonment can only be passed if the fine cannot be realised. It is proposed to include such a case within this section.

"The modification of section 391 has been suggested to prevent a short sentence of imprisonment being passed with an additional sentence of whipping. Such a sentence is inappropriate for one who has been previously convicted; and the practice has, moreover, sometimes caused a serious embarrassment when a

short sentence of imprisonment may have been served before the term of appeal has expired, or an appeal has been heard, for then the sentence of whipping which has been suspended to allow an appeal cannot be executed, and the person so sentenced is entitled to release, and cannot be re-arrested, should his appeal be dismissed, so that the whipping may be inflicted. The sentence of whipping, therefore, becomes inoperative. The proposed amendment will, it is expected, prevent the occurrence of such cases, and will also require a Court to pass an appropriate sentence of imprisonment if an additional sentence of whipping is considered to be necessary.

"Concurrent jurisdiction is conferred by section 435 on Sessions Judges and certain Magistrates in regard to revision. Sub-section 4 will prevent an application for the exercise of such powers to be made to a second of such officers if it has been unsuccessful in the first instance. It should be made only direct to the High Court.

"Section 439 (5) will prevent a person who has the right of appeal from applying to a Court of Revision without having recourse to the Appellate Court; and if he does not appeal, he will not be able to apply for an order in revision.

"Section 465 (3) will enable a Court to record the evidence of witnesses relating to the trial of a person which cannot be held because he is found to be incapable of making his defence by reason of unsoundness of mind in the same way as section 522 provides in the case of an accused person who may have absconded. Unless this can be done, it may happen that, when the trial is held, such evidence may be lost.

"After proceedings have been taken by a Court for certain offences such as voluntarily giving false evidence or forgery specified in section 195, and the case has been referred to a Magistrate to proceed as on a complaint made by such Court, it has been considered undesirable that a Court of Revision should interfere with the powers of a Magistrate to act, any more than it can do so in proceedings on a complaint in other cases. Hence the proposed amendment to section 476 to prevent the intervention of a Court of Revision.

"The amendment of section 514 will enable proceedings to be taken against the estate of a deceased surety, but only if the bond has been forfeited during his life-time.

"Section 517, as amended, will enable a Court to pass orders in respect of any document or other property before it. The present law seems unduly to limit the exercise of such a power, and it seems necessary to give a Court discretion to act generally in such matters.

"The interpretation of section 520 by the High Courts has been that, while it gives a Superior Court power on appeal or revision to set aside or modify an order by a Subordinate Court in regard to the disposal of a document or other property produced before it in an inquiry or trial, it does not enable such Court to enforce its order by directing restoration of such document or property if the order so set aside or modified has been carried out. The amendment of section 520 proposes to remedy this.

"The present practice of requiring an application to the High Court for the transfer of a case to be made only by motion supported by affidavit or affirmation, except when made by the Advocate-General, has been found to be inconvenient. Such applications are sometimes made direct by the Judicial Officers concerned and with the consent of the parties. Sub-section (3) proposes to give the High Court discretion to act on such references.

"The power of requiring a Court to stay proceedings on notice given that it is intended to make an application to the High Court for the transfer of the case or appeal is often abused for the purpose only of delay and otherwise prejudicing the course of justice. It is proposed by section 526 (8) to give the Court discretion in such matters, when it has reason to believe that this is the object.

"These are the principal amendments which the Bill before the Council proposes to make. I have abstained from referring to other matters for reasons already stated, but they will all be considered in due course before any alteration in the present Code becomes law, and possibly some of them may form the

subject of debate on the report of the Select Committee. In the end we hope that a substantial and lasting improvement in the present law may result. I have no hesitation in expressing my entire concurrence in the remarks which have fallen from the Hon'ble Member who is in charge of the Bill regarding the over-minute character of our Codes of Procedure which has unfortunately too often tended to embarrass the prompt action of our Courts. It is, however, too late to regard this as an open question, even if it were possible to remedy this defect with due regard to the conditions of this country and the capacity of our Courts. What the object of the Legislature has always been is to lay down an intelligible procedure so as to ensure a fair trial; and though it has thought proper to be somewhat over-precise in regard to details which, to a professional lawyer, may appear to be unnecessary and cumbersome, it should be borne in mind that those who are called upon to preside in our Magistrates' Courts are often with little experience of such matters. In undertaking this task it is impossible entirely to provide against obscurity in expressing the law or for cases in which, from a variety of circumstances or conditions, different interpretations of the law may be suggested and adopted. It is therefore incumbent on those on whom the responsibilities of legislation have devolved from time to time to solve the difficulties which have occurred in practice by settling the law and expressing it in clearer terms. It is with this object that nearly all the amendments contained in this Bill have been proposed. But with all these minutiae of detail it should be recollected that the Legislature contemplates and expects that substantial justice shall be done, for it has declared in the Code of Criminal Procedure that no error, omission or irregularity in any technical matter shall be proper ground for setting aside or modifying a finding, sentence or order of a Court of competent jurisdiction, unless it has occasioned a failure of justice."

The motion was put and agreed to.

The Hon'ble MR. CHALMERS introduced the Bill.

The Hon'ble MR. CHALMERS moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

The Council adjourned to Friday, the 5th November, 1897.

J. M. MACPHERSON,

Secretary to the Government of India,

Legislative Department.

SIMLA;

The 15th October, 1897.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 6, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE INDIAN COUNCILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67, AND 55 & 56 VICT., CAP. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 5th November, 1897.

PRESENT:

His Excellency the Earl of Elgin, Viceroy and Governor General of India, P.C., G.M.S.I., G.M.I.E., LL.D., *presiding*.

His Excellency Sir G. S. White, G.C.I.E., G.C.B., V.C., Commander-in-Chief in India.

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble M. D. Chalmers.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

The Hon'ble A. C. Trevor, C.S.I.

The Hon'ble C. M. Rivaz, C.S.I.

The Hon'ble Sir H. T. Prinsep, Kt.

The Hon'ble Sir G. H. P. Evans, K.C.I.E.

LEPERS BILL.

The Hon'ble MR. RIVAZ moved that the Bill to provide for the segregation of pauper lepers and the control of lepers following certain callings be referred to a Select Committee consisting of the Hon'ble Mr. Chalmers, the Hon'ble Mr. Sayani, the Hon'ble Mr. Nicholson, the Hon'ble Rai Bahadur Pandit Suraj Kaul and the mover. He said that the Bill was introduced in the Council on the 30th July, 1896, and was circulated in the usual way for

opinions. These opinions had been received, and the Bill had now arrived at the stage when it should be referred to a Select Committee. After having consulted the Hon'ble Legal Member, he now proposed that the Committee should consist of the Hon'ble Members named in the motion.

The motion was put and agreed to.

COURT-FEES ACT (1870) AMENDMENT BILL.

The Hon'ble MR. RIVAZ said:—"The Bill to amend the Court-fees Act of 1870 was introduced in this Council by the Hon'ble Sir John Woodburn on the 8th July last, and a Select Committee was appointed, composed of the Hon'ble Sir James Westland, the Hon'ble Mr. Chalmers, the Hon'ble Sir H. Prinsep, the Hon'ble Nawab Sir Amir-ud-din Ahmad, and the Hon'ble Sir J. Woodburn. As the Hon'ble Sir J. Woodburn has taken leave and the Hon'ble Nawab Sir Amir-ud-din Ahmad has been replaced in the Council by the Hon'ble Rai Bahadur Pundit Suraj Kaul, I beg leave to move that the Hon'ble Rai Bahadur Pundit Suraj Kaul be substituted on the Select Committee for the Hon'ble Nawab Sir Amir-ud-din Ahmad, and myself for the Hon'ble Sir John Woodburn."

The motion was put and agreed to.

ODDH COURTS ACT (1891) AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved that the Bill to amend the Oudh Courts Act, 1891, be taken into consideration. He said:—"This Bill was introduced in this Council by the Hon'ble Sir John Woodburn on the 1st October last; and, as then explained, the present Act provides for a Court of two Judicial Commissioners, but owing to the pressure of work it will be necessary to appoint a third Judicial Commissioner for a time. The Bill therefore provides for a third Judicial Commissioner being appointed for one year in order to bring the list of appeals which have been accumulating for some time within reasonable limits. It is also provided that in the case of a difference of opinion between the two Judicial Commissioners sitting as a bench a reference shall be made to the third Judicial Commissioner, and not to the High Court at Allahabad as was the case under the Act of 1891; and the judgment will be given in accordance with the opinion of the majority of the Judges of the Court. Opportunity has also been taken to add to the law in Oudh a provision which has been taken from the Lower Burma Courts Act by which the Judicial Commissioner is empowered to make rules for the recording of judgments, and the taking of evidence, in order to shorten and simplify the procedure of the Court. This, it is hoped, will speedily dispose of the great mass of litigation now pending. The Bill is not one on which it has been found necessary to collect opinions, and I beg now to move that it be taken into consideration."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill be passed.

The motion was put and agreed to.

PETROLEUM BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill to further amend the Petroleum Act, 1886. He said:—"It has been found necessary to extend the definition of 'petroleum' as contained in the present Act so as to meet the case of the importation, possession or transport of paints, varnishes and other similar substances containing inflammable material. Accordingly an addition has been made to the definition of 'petroleum' in section 3 of the Act, after consulting experts in England. Provision has also been made with regard to the Schedule to the Act, which refers to tests and apparatus, to enable the Governor General in Council from time to time to prescribe such additional tests as may be necessary on notification in the Gazette of India by altering or adding to the Schedule."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

INDIAN POST OFFICE BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to consolidate and amend the law relating to the Post Office in India. He said :— "The existing law governing the Post Office is an Act of 1866, and it is notorious that during the last thirty years the business of the Post Office has very largely expanded. The law by which the Post Office is governed, therefore, is more out of date in this sense than that of any other Department of the Government. The progress of the Post Office since 1866 has been both in developing the then existing branches of business in respect of which that legislation gave it authority and powers, and also in adding new branches to its business. Moreover, the Postal Union has brought us into close relations with foreign countries, and has laid down rules and systems of business in which we must necessarily co-operate if we are to follow the progress of the Post Office in other countries, but which were not contemplated in the Act of 1866. In that Act practically only two branches of business were contemplated. The first relates to letters and newspapers, and the Act necessarily takes no cognisance of the subsequently introduced system of postal cards and of reply postcards; reply postcards are peculiar in this respect that the sender has the privilege of sending through the Post Office the fee which has to be paid upon the reply sent to him—a procedure which was not provided for in the Act of 1866. The second branch of business referred to in the Act of 1866 is what we now call the parcel post, and so far as the existing parcel post is concerned, it is based entirely upon the legislative provisions of the Act of 1866. But the mere name given to it in the Act of 1866 is a proof of the singular anachronism, and the inadaptability to present conditions, of the law. The parcels post is there called 'the banghy post'—a banghy being that double-headed bamboo which a coolie lays across his shoulders to bear a burden. The only conception which the Act of 1866 had of the parcel post was that of a coolie plodding his weary way along the road between his double burden, and section 14 of the Act, which lays down the rates of postage, contemplates a journey of this kind of 1,200 miles. Provisions of that sort are suitable enough for a state of the country such as that which existed in 1866, when there was less than 4,000 miles of railway open; but it is quite impossible to adopt them in 1897, when the number of miles open is 20,000. The charge according to the Act of 1866 is proportional to distance, but this reckoning has long been abandoned, and the charge is now regulated by executive order in exactly the same way as the letter post, that is to say, entirely irrespective of distance. In the case of parcels, carried over any considerable distance, the charge which the Post Office demands now is in some cases only a fifth part of the charge contemplated in the Act of 1866. Then, of the new branches of business added for which there is no legislative provision whatever, are the system of insurance, the value payable post, and money orders. These have no legislative basis at all; that is to say, the business of the Post Office is conducted under the executive orders of Government, and the result of that system is that each transaction becomes a contract between the Post Office on the one side and some individual on the other, and is regulated by the ordinary provisions of the law, exactly in the same way as a transaction between an individual and a private firm carrying on business would be regulated. The Post Office in these respects has no special powers and no special protection. Many inconveniences have arisen out of this condition of affairs. The business is far too vast to be carried on under the ordinary provisions of the law. Even a private Railway Company requires special laws, as ordinary carriers, for the conduct of its business with the public, and with a business so vast as the system of money orders and value payable parcels, it is necessary in the same way, for the conduct of business, to ask the Legislature for special powers and for special protection. It must be remembered that the Post Office in dealing with these matters has no choice whatever of its constituents. It cannot refuse any business brought to it, and the Department has to

opinions. These opinions had been received, and the Bill had now arrived at the stage when it should be referred to a Select Committee. After having consulted the Hon'ble Legal Member, he now proposed that the Committee should consist of the Hon'ble Members named in the motion.

The motion was put and agreed to.

COURT-FEES ACT (1870) AMENDMENT BILL.

The Hon'ble MR. RIVAZ said :—" The Bill to amend the Court-fees Act of 1870 was introduced in this Council by the Hon'ble Sir John Woodburn on the 8th July last, and a Select Committee was appointed, composed of the Hon'ble Sir James Westland, the Hon'ble Mr. Chalmers, the Hon'ble Sir H. Prinsep, the Hon'ble Nawab Sir Amir-ud-din Ahmad, and the Hon'ble Sir J. Woodburn. As the Hon'ble Sir J. Woodburn has taken leave and the Hon'ble Nawab Sir Amir-ud-din Ahmad has been replaced in the Council by the Hon'ble Rai Bahadur Pundit Suraj Kaul, I beg leave to move that the Hon'ble Rai Bahadur Pundit Suraj Kaul be substituted on the Select Committee for the Hon'ble Nawab Sir Amir-ud-din Ahmad, and myself for the Hon'ble Sir John Woodburn."

The motion was put and agreed to.

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The Hon'ble MR. RIVAZ moved that the Bill to amend the Oudh Courts Act, 1891, be taken into consideration. He said :—" This Bill was introduced in this Council by the Hon'ble Sir John Woodburn on the 1st October last; and, as then explained, the present Act provides for a Court of two Judicial Commissioners, but owing to the pressure of work it will be necessary to appoint a third Judicial Commissioner for a time. The Bill therefore provides for a third Judicial Commissioner being appointed for one year in order to bring the list of appeals which have been accumulating for some time within reasonable limits. It is also provided that in the case of a difference of opinion between the two Judicial Commissioners sitting as a bench a reference shall be made to the third Judicial Commissioner, and not to the High Court at Allahabad as was the case under the Act of 1891; and the judgment will be given in accordance with the opinion of the majority of the Judges of the Court. Opportunity has also been taken to add to the law in Oudh a provision which has been taken from the Lower Burma Courts Act by which the Judicial Commissioner is empowered to make rules for the recording of judgments, and the taking of evidence, in order to shorten and simplify the procedure of the Court. This, it is hoped, will speedily dispose of the great mass of litigation now pending. The Bill is not one on which it has been found necessary to collect opinions, and I beg now to move that it be taken into consideration."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ moved that the Bill be passed.

The motion was put and agreed to.

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The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

INDIAN POST OFFICE BILL.

The Hon'ble SIR JAMES WESTLAND moved for leave to introduce a Bill to consolidate and amend the law relating to the Post Office in India. He said :—
“The existing law governing the Post Office is an Act of 1866, and it is notorious that during the last thirty years the business of the Post Office has very largely expanded. The law by which the Post Office is governed, therefore, is more out of date in this sense than that of any other Department of the Government. The progress of the Post Office since 1866 has been both in developing the then existing branches of business in respect of which that legislation gave it authority and powers, and also in adding new branches to its business. Moreover, the Postal Union has brought us into close relations with foreign countries, and has laid down rules and systems of business in which we must necessarily co-operate if we are to follow the progress of the Post Office in other countries, but which were not contemplated in the Act of 1866. In that Act practically only two branches of business were contemplated. The first relates to letters and newspapers, and the Act necessarily takes no cognisance of the subsequently introduced system of postal cards and of reply postcards; reply postcards are peculiar in this respect that the sender has the privilege of sending through the Post Office the fee which has to be paid upon the reply sent to him—a procedure which was not provided for in the Act of 1866. The second branch of business referred to in the Act of 1866 is what we now call the parcel post, and so far as the existing parcel post is concerned, it is based entirely upon the legislative provisions of the Act of 1866. But the mere name given to it in the Act of 1866 is a proof of the singular anachronism, and the inadaptability to present conditions, of the law. The parcels post is there called ‘the banghy post’—a banghy being that double-headed bamboo which a coolie lays across his shoulders to bear a burden. The only conception which the Act of 1866 had of the parcel post was that of a coolie plodding his weary way along the road between his double burden, and section 14 of the Act, which lays down the rates of postage, contemplates a journey of this kind of 1,200 miles. Provisions of that sort are suitable enough for a state of the country such as that which existed in 1866, when there was less than 4,000 miles of railway open; but it is quite impossible to adopt them in 1897, when the number of miles open is 20,000. The charge according to the Act of 1866 is proportional to distance, but this reckoning has long been abandoned, and the charge is now regulated by executive order in exactly the same way as the letter post, that is to say, entirely irrespective of distance. In the case of parcels, carried over any considerable distance, the charge which the Post Office demands now is in some cases only a fifth part of the charge contemplated in the Act of 1866. Then, of the new branches of business added for which there is no legislative provision whatever, are the system of insurance, the value payable post, and money orders. These have no legislative basis at all; that is to say, the business of the Post Office is conducted under the executive orders of Government, and the result of that system is that each transaction becomes a contract between the Post Office on the one side and some individual on the other, and is regulated by the ordinary provisions of the law, exactly in the same way as a transaction between an individual and a private firm carrying on business would be regulated. The Post Office in these respects has no special powers and no special protection. Many inconveniences have arisen out of this condition of affairs. The business is far too vast to be carried on under the ordinary provisions of the law. Even a private Railway Company requires special laws, as ordinary carriers, for the conduct of its business with the public, and with a business so vast as the system of money orders and value payable parcels, it is necessary in the same way, for the conduct of business, to ask the Legislature for special powers and for special protection. It must be remembered that the Post Office in dealing with these matters has no choice whatever of its constituents. It cannot refuse any business brought to it, and the Department has to

deal with many thousands—I should say rather, with many millions—of uneducated people.

“ This enumeration of defects will show the direction in which it is necessary to ask the Legislature to modify the existing law. The general lines on which the Bill is based are those of a Bill which was introduced into Parliament two years ago, namely, that, apart from the provisions for protection and the special powers given, and the penalty clauses, the ordinary administration of the Department is left to be provided for by rules and regulations issued partly by the Governor General in Council and dealing with such matters as the fixing of fees, or rules, for the breach of which it is necessary to impose penalties; and partly by rules or orders issued from time to time under the authority of the Director General. The English Bill has not yet passed into law, but it has been of great assistance to us in drafting the Bill now before the Council.


“ I wish now to make a few remarks on some of the sections, chiefly on those in which the old law has been modified, or which introduce new provisions on matters which are not regulated by the law of the country. The first of these is section 12—one which provides a summary procedure for the recovery of petty sums due to the Post Office. The application of this section is not very clear in the Act of 1866, or at any rate there are Magistrates in the country who declare that it is not clear. We therefore make the language of that section, and the power of the Post Office to recover sums due to it, more clear than they are in the existing law. One of the penalties which the Post Office is empowered to impose of its own motion upon persons who owe it money and refuse to pay, is that of declining to deliver to them postal articles until they do pay. Under the existing law this power may be exercised by any officer in charge of a Post Office; by the Bill proposed the power is only enforceable by the Post Master General.

“ Another power which it is necessary to take is in section 14, which declares that the official marks of the Post Office—marks of date, etc.—are to be taken as *prima facie* evidence of the facts which they are intended to indicate. The necessity of providing this means of giving evidence of the facts which it is necessary to establish before a Court of Justice will take any action in respect of complaints brought before it, is obvious.

“ Section 18 makes a certain provision regarding the redelivery of letters once posted. The present Post Office Act provides that letters or other articles once posted may be redelivered to the sender as a matter of grace, subject to such rules as the Governor General may prescribe; and this provision it is proposed to retain in a modified shape. The declared principle of the Postal Union Convention to which India is a party is to allow the writer or sender of a letter or other article to recall it, or require that the address should be altered, at any time previous to its actual delivery, subject to the payment of certain charges and to considerations of postal convenience. The article of the Convention, however, in which this principle is laid down is permissive, and England and the Colonies, other than the Australian Colonies, have not accepted it, and India has also declined to accept it. In England it is well known that a letter or other article, once posted, cannot be recalled. In these circumstances we have not thought it right altogether to adopt the Union principle in introducing new postal legislation; but, with a view to remove a doubt which has been raised, it has been expressly provided in this Bill that if and when it is adopted the redelivery of a letter or other article in accordance with rules framed by Government can be made without reference to the consent of the addressee.

“ Section 20 is a new and obviously necessary section, its object being the prohibition of the transmission of obscene and indecent articles. Another section of the law provides for their destruction.

“ Section 22 gives a power to postpone parcels when the work of any post office is too much to enable the ordinary post to be despatched within time. It will be seen that this provision does not permit the postponement of newspapers; and I gather from some portions of the Public Press that a postponement or a mistake in the delivery of a newspaper is an offence of the most serious magnitude and calls into question the whole constitution not only of the Post Office but of the Government of India generally. We do not therefore in any way diminish the preference given to newspapers along with letters, but we provide that books, parcels and similar

 To be substituted for pages 251
and 252 of the Gazette of India, Part VI,
dated 6th November 1897.

articles, if they accumulate in too great measure, may be kept back for such time as may be found necessary in the post office.

"Section 26 gives in the case of articles transmitted through the Post Office the same power of interception on the part of the State as that which exists in the case of telegraphs. In this respect we copy the English law. The English Bill does not directly make any special provision of this kind, but it implies it in imposing a penalty upon a Post Office official who delays or intercepts any article otherwise than by direction of the State; and a special section is added at the end of the Bill which indicates that such powers as legally or constitutionally vest with the Governor General in Council in cases of this kind are not in any way diminished by the legislation now proposed.

"Chapter VI relates to the system of insurance and value-payable post and is, therefore, mostly new. It defines the limit and conditions of insurance which may be accepted by the Post Office.

"Chapter VII relates to undelivered articles. These, by the present law of 1866, must in every case be kept for a year before being destroyed or in any way disposed of. The result of that provision is that the post offices in this country are blocked with heaps of newspapers, magazines and trade circulars for which it is impossible to find an addressee. They have to be piled up for a whole year before any postal official can do anything to get rid of them. The provisions we intend to introduce in respect to these articles will be of a wider and more varied character, and will depend on rules which will be laid down by the Governor General in Council.

"Chapter VIII relates to ship letters: that is to say, the obligation on ship-masters generally to carry postal articles when called upon to do so. Very little change is made in the law as it at present stands in this respect.

"Chapter IX relates to money orders, and, as I have already mentioned, it is entirely new, so far as the law of the country is concerned. In 1880 the Post Office undertook the work of issuing and paying money orders, which had previously been done, under certain restricted conditions, by the civil treasuries, and the work has hitherto been carried on under the authority of the executive orders of Government. It is unnecessary at the present moment to dwell upon the popularity of the Post Office agency for the purpose of remitting small sums of money. The number of money orders issued yearly has risen from $1\frac{1}{2}$ millions in 1881 to 11 millions in 1896, the average amount of each order being less than twenty rupees. We now propose to place this system on a legislative basis; and in doing this we have provided that, when neither the payee nor the remitter of a money order can be found, the amount of the money order will be forfeited to Government at the end of a year from the date of its issue. As a matter of fact, if a claim can be substantiated after the expiry of this period, the amount would always be repaid; but, with the millions of orders issued yearly, it is necessary that a legal period should be fixed beyond which claims cannot be entertained as of right, and in fixing this period at one year we have followed the regulations of the English Post Office on the subject. We have also followed the English law in exempting Government and officers of the Post Office from liability in respect of loss caused by delay in paying money orders, and have further provided, in accordance with the present rule on the subject, that Government and such officers are not liable for a wrong payment when it is caused by incorrect information given by the remitter, or by incomplete information given by him if the officer who issued the money order had reasonable grounds for believing that the information was sufficient for the purpose of identifying the payee. We have also introduced a new provision that the amount of a money order wrongly paid to any person may be recovered from him, if he refuses to refund the amount, by summary procedure, as if it were an arrear of land-revenue due from him.

"Chapter X relates to penalties. It has been found necessary in this Bill to introduce one or two new penalties. By an omission in the present law the wilful detention of a letter or other article by an officer of the Post Office is not punishable, nor is the opening of a letter by an officer of the Post Office punishable, unless it is known that this was done with the intention of fraudulently appropriating the contents. It is now provided, in accordance with the English law on the subject, that the opening of a letter by an officer of the Post Office contrary to his duty, or the

wilful detention of a letter by such an officer, shall be an offence. Another new penalty has also been provided to strengthen the hands of the Post Office executive. Serious inconvenience and even loss of mails has occasionally been caused by the desertion of mail runners or by their taking leave without permission. In some parts of India difficulty is always experienced at certain seasons of the year in retaining the services of these servants of the Department, and occasions not infrequently arise when a sudden demand for labour and the offer of high wages, in connection with railway works, for instance, leads to something like a general desertion on the part of the runners employed on mail lines in the vicinity of such works. On these occasions the continuity of the mail service is imperilled, as there is no power to prevent runners from giving up their employment under the Post Office without warning. It has, therefore, been determined that the withdrawing from employ on the part of mail carriers, without permission, or without giving previous notice of one month, should be constituted an offence punishable with fine which may extend to fifty rupees.

"These are the provisions of the proposed legislation which I lay before the Council, and, in doing so, I wish, on the part both of the Hon'ble Legal Member and myself, to express our obligations to Mr. Fanshawe, Your Excellency's Director General of the Post Office. In the preparation of this Bill he has given us the most valuable assistance. The Post Office is a Department of most minute organization; and it requires very expert knowledge of the working of the Department to realize both in what respects legislation is required and to prevent what may appear to be most harmless provisions of the law from interfering with its work. Few people who receive a letter have any conception of the amount of organisation and arrangement which is necessary to enable that letter to proceed from the place where it is posted to the place of its delivery. Yet a million such articles pass every day through the Post Office addressed in half a hundred different languages and in a dozen different alphabetical characters. They are delivered, with the whole history of their transit stamped upon them, with a regularity and a punctuality which is almost perfect; the number of cases in which letters go astray, or in which they are undelivered, is an infinitesimal fraction of the number which is posted, and even of that infinitesimal fraction, in respect of only a small part can the blame be laid at the door of the Post Office.

"The legislation which I now propose to the Council will, if the Council accepts it, enable the officers who control this vast organization to maintain the perfectness of their work and to realise what has been their constant wish and effort, namely, to make the Post Office Department still more worthy of the confidence which the public place in it."

The motion was put and agreed to.

The Hon'ble SIR JAMES WESTLAND introduced the Bill.

The Hon'ble SIR JAMES WESTLAND moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments may think fit.

The motion was put and agreed to.

The Council adjourned *sine die*.

J. M. MACPHERSON,

SIMLA;

The 5th November, 1897.

Secretary to the Government of India,

Legislative Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 25, 1897.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULA-
TIONS UNDER THE PROVISIONS OF THE INDIAN COUN-
CILS ACTS, 1861 AND 1892 (24 & 25 VICT., CAP. 67,
AND 55 & 56 VICT., CAP. 14).

The Council met at Government House, Calcutta, on Tuesday, the 21st Decem-
ber, 1897.

PRESENT :

His Excellency the Viceroy and Governor General of India, P.C., G.M.S.I.,
G.M.I.E., LL.D., *presiding*.
His Excellency the Commander-in-Chief, G.C.I.E., G.C.B., V.C.
The Hon'ble Sir J. Westland, K.C.S.I.
The Hon'ble M. D. Chalmers.
The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.
The Hon'ble A. C. Trevor, C.S.I.
The Hon'ble C. M. Rivaz, C.S.I.
The Hon'ble Sir P. Playfair, KT., C.I.E.
The Hon'ble Rahimtula Muhammad Sayani, M.A., LL.B.
The Hon'ble Pandit Bishambar Nath.
The Hon'ble Joy Gobind Law.
The Hon'ble C. C. Stevens, C.S.I.
The Hon'ble Sir H. T. Prinsep, KT.
The Hon'ble J. J. D. LaTouche, C.S.I.
The Hon'ble F. A. Nicholson.
The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.
The Hon'ble Gangadhar Rao Madhav Chitnavis, C.I.E.

NEW MEMBERS.

The Hon'ble MR. LATOUCHE, the Hon'ble MR. NICHOLSON, the Hon'ble
RAI BAHADUR PANDIT SURAJ KAUL and the Hon'ble GANGADHAR RAO
MADHAV CHITNAVIS took their seats as Additional Members of Council.

VIA

MEMON BILL.

The Hon'ble MR. RIVAZ moved that he be substituted for the Hon'ble Sir John Woodburn as a member of the Select Committee on the Bill to render it permissive to the members of the Memon Community to declare themselves subject to Muhammadan Law, and that the Hon'ble Mr. James be added to the Committee. He said:—"The Bill was introduced in this Council by the Hon'ble Sir John Woodburn on the 19th March, 1896, and subsequently referred to a Select Committee consisting of the Hon'ble Sir John Woodburn, the Hon'ble Mr. Chalmers, the Hon'ble Mr. Stevens, the Hon'ble the Nawab of Loharu and the Hon'ble Mr. Sayani. The Bill is still under consideration in the Committee, but meanwhile the number of its members has been reduced to three owing to the Nawab of Loharu having vacated his seat in the Council and the Hon'ble Sir John Woodburn's absence. I beg therefore to make the motion standing in my name."

The motion was put and agreed to.

STAGE-CARRIAGES ACT (1861) AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved that the Bill to further amend the Stage-Carriages Act, 1861, be referred to a Select Committee consisting of the Hon'ble Mr. Chalmers, the Hon'ble Pandit Bishambar Nath, the Hon'ble Babu Joy Gobind Law, the Hon'ble Mr. Nicholson and the mover. He said that the Bill was introduced in the Council by the Hon'ble Sir John Woodburn on the 2nd September last and was circulated for opinions. The replies had been received and some of the questions raised in them would require consideration.

The motion was put and agreed to.

INDIAN PENAL CODE AMENDMENT BILL AND CRIMINAL PROCEDURE BILL.

The Hon'ble MR. CHALMERS said:—"Before I make the motions which stand in my name for referring the Indian Penal Code Amendment Bill and the Criminal Procedure Code Bill to Select Committees, I should like, with Your Excellency's permission, to make a few remarks on some amendments which the Government intend to propose for consideration during the Committee stage of those measures.

"As the Council are aware, recent events in India have called prominent attention to the law relating to seditious utterances and writings. We have had anxiously to consider the state of the law regarding these matters and to decide whether, and in what respects, it required amendment. We determined that we would do nothing hastily, and that the course we adopted should be the result of cool and deliberate consideration.

"Two different lines of action were open to us. The first was to re-enact a Press Law similar to the Vernacular Press Act of 1878. The second was to amend the general law relating to sedition and cognate offences, so as to make it efficient for its purpose. We have come to the conclusion that the second course is the right one for us to take.

"But, as we have been strongly urged by many whose opinion is of great weight to re-enact a Press Law, perhaps I may be allowed to state briefly our grounds of objection to that course. The essential feature of the Act of 1878 was executive control over the writings of the Vernacular Press. That principle appears to us to be objectionable on two grounds. In the first place, we see no reason for drawing any distinction between the Vernacular Press and any other Press. As regards liberty of speech there should be one and the same law for all subjects of Her Majesty, without reference to the particular language in which they may express their opinions. In the second place, we have no quarrel with the Press, and no desire to control it. We welcome all fair, candid and honest criticism, and, speaking for ourselves, we care very little as to the terms or language in which such criticism may be expressed. The essential

principle of English law is this. Every man is free to speak, write and print whatever he pleases, without asking the leave or permission of any authority. But, if he speaks, writes or prints anything which contravenes the law of the land, he is liable to be proceeded against and punished. As long as a man keeps within the law no one can interfere with him. But, if he breaks the law, he is liable to punishment by a Court of Justice in the ordinary course of law. This seems to us a sound and healthy guiding principle, and we have determined to adhere to it. But we are also determined that the law shall not be a dead-letter, and that offenders against the law of the land shall be capable of being promptly brought to book.

"Having come to this conclusion we had to decide what amendments in the general law were necessary. I am glad to say they are but few.

"The first question for consideration was whether we should amend section 124A of the Indian Penal Code, which deals with the offence of exciting disaffection against the Government, or, as it is called in England, sedition. I cannot say that that section strikes me as a model of clear drafting. The section was introduced into the Penal Code by Sir Fitzjames Stephen in 1870. In introducing the Bill I believe he stated that his intention was to assimilate the law of India to the law of England as regards the offence of sedition. The interpretation of the section has recently been discussed before the Calcutta, Bombay and Allahabad High Courts, and it has been interpreted in accordance with English law. The result of the cases is to establish that it is a criminal offence to stir up feelings of contempt or hatred for the Government, and that such conduct is none the less an offence because resort to actual violence is not advocated. But no one can read the able arguments addressed to the Courts by counsel for the accused in the Bangobasi and Tilak cases without coming to the conclusion that the law might be expressed in clearer and less equivocal terms. When law is codified, the codes should be as explicit as possible. Moreover, though the Calcutta, Bombay and Allahabad Judges have substantially agreed in the interpretation of section 124A, their decisions are not technically binding on other High Courts. Having regard to these considerations we think it is desirable to amend and redraft section 124A so as to bring it clearly into accord with English law. In England, words spoken or written with seditious intent constitute a criminal offence, and the intent is presumed from the natural meaning of the words themselves, without reference to the actual feelings of the person who used them. In other words, the law applies a purely objective test. A seditious intention is thus defined in Stephen's *Digest of the Criminal Law* (Ed. 5, Art. 98, pages 70-71). It is 'an intention to bring into hatred or contempt, or to excite disaffection against the person of, Her Majesty, Her heirs or successors, or the Government of the United Kingdom as by law established, or either House of Parliament, or the administration of justice, or to excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State, or to raise discontent or disaffection amongst Her Majesty's subjects, or to promote feelings of hostility or ill-will between different classes of such subjects.' Now, adapting that definition to the language of the Indian Penal Code and the circumstances of India, we propose that section 124A shall be repealed and that the following section shall be substituted therefor:—

'124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, Her Majesty or the Government, or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to ten years, to which fine may be added, or with fine.

Explanation 1.—The expression "disaffection" includes disloyalty and all feelings of enmity or ill-will.

Explanation 2.—Comments on the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection do not constitute an offence.'

"Let me say a word or two as to the scope of the new section. There is nothing in it which in any way interferes with the fair and free discussion of

public matters. People are at liberty to criticise the action and conduct of the Government in all its departments. And more than that; they are at liberty to bestir themselves to procure reforms and to obtain such alterations of the law as they may think desirable, provided they do so by lawful and constitutional means. There is nothing in the section to prohibit this, but we have added *explanation 2* to the section in order to affirm this principle expressly.

"I wish further to point this out. Subject to one possible exception, our proposed new section in no wise alters the law at present in force in India. It merely affirms, in, I hope, unmistakeable terms, the consentient opinions of the various High Courts which have been called upon to interpret the existing section 124A. The possible exception consists in the provision that it amounts to sedition to promote or attempt to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects. The question has not been raised or decided whether such conduct amounts to an offence under the present section 124A. But the proposed addition is law in England, and if such a rule be required in England, with its practically homogeneous population, it is still more requisite in India, where different races and religions are in continual contact. For the most part under British rule our Muhammadan and Hindu fellow-subjects live together in peace and amity, but recent agitations in various parts of India have shown how dangerous to the public tranquillity is any agitation which seeks to fan into flame those feelings of racial and religious antagonism which still smoulder beneath the surface.

"I now come to our second proposal. Section 505 of the Penal Code deals with a cognate class of offences. It punishes the dissemination of certain false statements and rumours which are conducive to public mischief. The section runs as follows:—

'505. Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier or sailor in the army or navy of the Queen to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State or against the public tranquillity, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.'

"In its present form this provision is unworkable. It is impossible for the prosecution to shew that the person who circulated the false statement knew it to be false. We propose therefore to repeal and re-enact this section in more precise terms, making the publication of these obnoxious statements punishable, but allowing the accused to show that the mischievous statement or rumour was true in fact, and was not published or circulated with a criminal intent. The proposed new section runs as follows:—

Statements conducive to public mischief.

'505. Whoever makes, publishes or circulates any statement, rumour or report,—
(a) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such; or
(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby they may be induced to commit an offence against the State or against the public tranquillity; or
(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;
shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both.

Exception.—It does not amount to an offence within the meaning of this section to make, publish or circulate any such statement, rumour or report, as aforesaid, when such statement, rumour or report is true, and is made, published or circulated without such intent as aforesaid.'

"It may be said, and indeed it has been urged upon us, that this is not going far enough. If a man chooses to publish statements which are likely to incite our soldiers to mutiny or to cause people to commit offences against the law, he ought to be punished, whether his statements are true or false, and without regard to his private intentions. There is much force in this argument, but we should be unwilling to punish a man under this section for making a statement

which is true when he publishes or circulates that statement without any criminal intent. The universal presumption of law is that a man is deemed to intend a result which is the ordinary and natural consequence of his act. When, then, a man chooses to publish a statement, or circulate a rumour, which on the face of it is directly conducive to grave public mischief, he cannot complain if he is called upon to shew that his intentions were not criminal.

"For the present, at any rate, we have no further amendments to suggest in the substantive law, and I now wish to refer to two amendments which the Government propose to move in the Select Committee on the Code of Criminal Procedure Bill. Section 109 of that Code provides that in certain cases people who misbehave themselves may be bound over and required to find sureties to be of good behaviour for a term not exceeding twelve months. We propose to apply a similar procedure to the case of people who either orally or in writing disseminate, or attempt to disseminate, obscene, seditious or defamatory matter. A man who disseminates, that is to say, who sows broadcast or scatters abroad, such matter is obviously a dangerous public nuisance. It is immaterial whether he chooses, as his means of dissemination, an oral address, or a book or a pamphlet, or a newspaper. We are bound to check such obnoxious conduct. But as a rule the persons who are guilty of it are small and insignificant individuals. They may do enormous mischief among uneducated, foolish and ignorant people, but in themselves they are deserving of very little notice. It is absurd to deal with them by an elaborate State prosecution. We think that in most cases no prosecution at all will be required. It will be sufficient to give them an effective warning to discontinue their evil practices, and we think that the machinery we have devised will operate as an effective warning. The general power of revision possessed by the High Courts will secure that that machinery will not be used in any way oppressively; and we further propose that this new power should only be exercised by Presidency or District Magistrates, or specially empowered Magistrates of the first class.

"The last amendment that I have to refer to is an amendment of the second schedule to the Code of Criminal Procedure. The eighth column of that schedule declares by what Court or Courts the offences contained in the Indian Penal Code shall be triable. At present sedition under section 124A is triable only by a Court of Session or a High Court. We intend to propose that offences under section 124A shall be triable also by Presidency Magistrates and Magistrates of the first class. This amendment will, in the matter of jurisdiction, bring section 124A into line with sections 326, 372, 392 and many other provisions of the Penal Code where one and the same offence is of varying degrees of gravity. It is obvious that a malicious and seditious utterance which in one place and set of circumstances is of small importance, and would be adequately punished by a very light sentence, might in another place and under other circumstances be a direct incitement to rebellion and bloodshed, and merit the severest penalties. As I have said, there are many cases where an elaborate State trial is out of place, and where the merits of the case will be adequately met by a small punishment, within the competence of a Magistrate of the first class. Of course, there may be cases of graver importance. In such cases the Magistrate will, as heretofore, commit to the higher Court which is competent to inflict a severer sentence. In either event there will be this safeguard. No prosecution under section 124A can be commenced without the previous sanction of the Local Government or the Governor General in Council. Proceedings can only be initiated under the sanction of the authorities who are responsible for the peace and good government of the country. This was the law under the Code of 1882 and we have no intention of changing it. Of course too any sentence passed by a Magistrate will be subject to revision or appeal, as the case may be, in accordance with the general law.

"I have now detailed the amendments* we propose to make in the existing law. They are few and simple, but I trust they will effect our purpose. We have no desire to interfere with the full and free discussion of all public matters. We have no desire that the Press, whether Vernacular or English, should be subject to our license and control. But the Press, like everybody else, must be

* *Vide Appendix.*

subject to the law of the land. No man is bound to preach or teach or write sedition. If he chooses to do so, he must do so at his own peril and take the consequences."

The Hon'ble MR. CHALMERS then moved that the Bill to amend the Indian Penal Code in relation to Extra-territorial offences be referred to a Select Committee consisting of the Hon'ble Mr. Rivaz, the Hon'ble Mr. Stevens, the Hon'ble Mr. James, the Hon'ble Rā Bahadur Ananda Charlu, the Hon'ble Sir Griffith Evans, the Hon'ble Maharaja Bahadur of Durbhanga and the mover.

The motion was put and agreed to.

The Hon'ble MR. CHALMERS also moved that the Bill to amend the law relating to Criminal Procedure be referred to a Select Committee consisting of the Hon'ble Mr. Rivaz, the Hon'ble Mr. Sayani, the Hon'ble Pandit Bishambar Nath, the Hon'ble Mr. Stevens, the Hon'ble Sir Henry Prinsep, the Hon'ble Mr. LaTouche and the mover.

The Hon'ble JOY GOBIND LAW said:—"My Lord, I should like to make one or two observations.

"There is a general feeling that sufficient opportunity has not been given for obtaining the opinion of the non-official community on the present Bill. It is true the Bill was introduced at Simla in October, but it has hitherto been the invariable practice to refer all Bills of any importance for the opinions of representative bodies and associations. In the present case, however, no such reference has been made; at all events I know that the Chamber of Commerce and the British Indian Association have not been favoured with any such reference. I understand some three years ago Local Governments were asked for suggestions and recommendations with a view to the amendment of the existing law, but that is quite a different matter to obtaining the opinions of the non-official community on the amendments as formulated in the present Bill, which of course had no existence three years ago. The Select Committee will no doubt have the benefit of the opinion of the Hon'ble Sir Henry Prinsep, who from his long and varied experience in the administration of the law would be fully competent to represent the views of a Judge and dispenser of the law; but it is equally necessary that the Select Committee should make its recommendations in view of the opinion of those who will be affected by the proposed amendments in the law. On these grounds I venture to ask Your Excellency and the Hon'ble Council to allow some time in order that the opinions of the community might be obtained. I have no desire, even if I had the power, to unnecessarily delay the proceedings of the Council, and it is only because I consider it extremely desirable that the Council should legislate after a full consideration of the views and opinions of the public that I have ventured to address these remarks to Your Excellency and the Council. There is certainly no reason for a departure from the established practice."

The Hon'ble PANDIT BISHAMBAR NATH said:—"I would crave permission to say a word or two. Certainly I do not mean to demur to the motion. What I beg to suggest is that the Bill in question may not be taken up for consideration by the Select Committee before all the expected opinions are duly received. Only a few communications, including those from the Governments of the Punjab and Burma respectively, have been circulated yet.

"The awaited minutes by the several Chartered and other High Courts of Judicature, Heads of Administrations and Authorities, when received, would, I think, equally prove highly useful in materially assisting the Select Committee in dealing with the various crucial provisions of the Bill.

"I must confess I have not been able yet to study the draft Bill with that care and attention which the importance of the measure demands; but I believe I am bound to bring to the notice of the Council that, rightly or wrongly, a rather vague impression is gaining ground upon the minds of the people in some parts of the Empire that certain provisions of the proposed legislation

are not calculated to afford comparatively such facilities for conducting the defence of accused persons as would be eminently desirable in the interests of justice.

"Amongst other matters, the distinction as regards the exercise and application of the powers of the jury system is certainly a matter of grave importance that will, I hope, receive the attention of both the Select Committee and the Council, besides many other provisions which it would be quite unnecessary and out of place to mention here."

His Excellency THE PRESIDENT said:—"It is unnecessary for me to remind Hon'ble Members, who have been nominated for the Select Committee on this and on the preceding Bill, of the great importance of the work which they are undertaking. One of the Bills is of great length and detail, so great that it would have been difficult indeed for the Government to present it to this Council had they not been able to call in the assistance of the unrivalled experience of Sir H. Prinsep, who has, as is well known, made the subject his study for many years. The revision of a Code can never be a light piece of work, but as my Hon'ble Colleague explained when he introduced this Bill, it must from time to time be undertaken, not from any intention of radically altering the law, but to remedy defects which have been proved to exist, and to incorporate the results of accumulated experience, and thereby to make the law of the land clear, easily understood, and easily applied. No one will deny that this is an object of supreme importance, not only to those whose duty it is to administer the law, but to the people at large whose lives are regulated by its provisions.

"Hon'ble Members will find that the amendments now laid upon the table are governed by the same principle. Their necessity has been brought to light by recent events and by controversy on a special subject, but they themselves, as my Hon'ble Colleague has explained, are not directed against any special class or section of the community. They are designed to make the general law, which all must obey, efficient. I feel that I can add nothing to the admirably clear and precise explanation by my Hon'ble friend of the scope and intention of these amendments. But I desire in a word to express my entire and cordial concurrence in what he has said of the reasons for rejecting the enactment of a Vernacular Press Act. Personally, I am most strongly of opinion that an Act of that nature is obnoxious in principle, uncertain in operation, and not necessary under present circumstances. It seems to me that it would be the natural impulse of any honourable mind, when men 'disclaim all sympathy with writings which are calculated to create disaffection towards British rule,' to believe, if possible, in their sincerity; and, though I could wish that the general tone of the criticism we read in papers in India was not so often unduly coloured by prejudice, I for one am not disposed on that account to acquiesce in any general imputation of disloyalty. At all events, I associate myself absolutely with the reply lately given to an appeal in the words I have just quoted by the Hon'ble Member, Mr. Stevens, who for the last six months has administered the Government of Bengal in a manner that has elicited the applause of the entire community, European and Native. Mr. Stevens welcomed the co-operation of the Press in securing fair and honest criticism, of which, as my Hon'ble Colleague has said, we deny the right to no one, but at the same time pointed out that the Government cannot divest itself of its responsibility in this matter any more than in any other of which the law takes cognisance. I, too, welcome co-operation, while recognising my responsibility. It must never be forgotten that in interposing to prevent sedition we act not for the protection of our personal interests—with my Hon'ble friend I think that if that was all we might willingly stand the buffets—but on behalf of the public whose interests suffer if the passions of the ignorant are excited, and the peace of the country is imperilled; a danger none the less present, though the action to be guarded against be the action of a comparatively small number of individuals out of touch with the sentiments which animate their fellows.

"I have more than once on behalf of the Government of India declared that its aim was an administration of the law, sympathetic and impartial, but at the

same time prompt and firm. It is because in my judgment these amendments will enable us to perform our duty more satisfactorily in both of these directions that I commend them to the Council.

"With regard to the observations which have been made by the two Hon'ble Members who have just spoken, I should like, in the first place, to point out to the Hon'ble Joy Gobind Law that he is not correct in saying that the ordinary procedure in this matter has not been observed. The Bill for the amendment of the Criminal Procedure Code was introduced on the 14th October. It was then at once sent in the ordinary course to Local Governments for opinion and for publication, and it is from the Local Governments, as has always been the practice, that such public bodies as it is necessary to consult should receive copies of the measures introduced by the Government. As regards the general public, the Bill was, immediately after its introduction, published in the Gazette of India, and was therefore open to every individual who could read. At the same time we have called this early meeting of Council in order that we might, as soon as possible, appoint the Committees, and bring before the notice of the Council the fact that these Bills were to be proceeded with. The intention is that the Committees should not meet till after the 1st January, on which date all the opinions are due from the Local Governments and others. The proceedings of the Committees will no doubt consume a considerable time, and the Government will give every facility to any public body or individual who has suggestions to make to lay those suggestions before the Committees and the Council for their consideration. But I have to say very distinctly on behalf of the Government of India that this measure, which has been under consideration for many years, to which, as I have said, my Hon'ble friend Sir Henry Prinsep has specially devoted a large portion of his time, and which is now brought forward in the ordinary course for the consideration of the Council—I say that it is the deliberate intention of the Government of India to ask this Council, before the termination of this session, for their judgment on this measure."

The motion was put and agreed to.

DAY FOR MEETING OF COUNCIL.

His Excellency THE PRESIDENT said:—"Before the Council adjourns I should like to say that, in consequence of the alteration in the arrangements for the English mail, the day, Thursday, on which we have been accustomed to meet, will no longer prove convenient. We have considered, therefore, what day it would be better to substitute. I believe that Thursday was adopted in order to meet the views of the Legislative Department, in substitution for Friday, and, on the whole, considering, as far as I can, the opinions I have been able to collect, I believe it would be better to revert to Friday in future. An earlier day in the week might cause some inconvenience to Hon'ble Members in the submission of amendments, owing to the interposition of Sunday.

"We propose, therefore, unless we receive any representation to the contrary, to fix Friday as the ordinary meeting day of the Council, and the Council will now adjourn until the first Friday in January."

CALCUTTA;

The 22nd December, 1897. }

J. M. MACPHERSON,

Secretary to the Government of India,
Legislative Department.

APPENDIX.

INDIAN PENAL CODE AMENDMENT BILL.

Further amendments of the Code to be proposed for consideration of the Select Committee.

I. Section 124A of the Indian Penal Code is hereby repealed, and the following Substitution of new section for section 124A, section is substituted therefor, namely:—
Act XLV of 1860.

124A. Whoever by words either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites attempts to excite disaffection towards, Her Majesty or the Government, or promotes or attempts to promote feelings of enmity or ill-will between different classes of Her Majesty's subjects, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment, which may extend to ten years, to which fine may be added, or with fine.

Explanation 1.—The expression "disaffection" includes disloyalty and all feelings of enmity or ill-will.

Explanation 2.—Comments on the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence.

II. Section 505 of the Indian Penal Code is hereby repealed and the following section is substituted therefor, namely:—

Statements conducing to public mischief.

505. Whoever makes, publishes or circulates any statement, rumour or report,—

- (a) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby they may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both.

Exception.—It does not amount to an offence, within the meaning of this section, to make, publish or circulate any such statement, rumour or report, as aforesaid, when such statement, rumour or report is true, and is made, published or circulated without such intent as aforesaid.

CRIMINAL PROCEDURE BILL.

Amendments to be proposed for consideration of the Select Committee.

I. New clause to be inserted after clause 108 as follows:—

'Whenever a Presidency or District Magistrate, or a Magistrate of the first class specially empowered by the Local Government Security for good behaviour from persons dis- in this behalf, has information that there is seminating obscene, seditious or defamatory matter. within the limits of his jurisdiction any person who, either orally or in writing, disseminates or attempts to disseminate, or in anywise abets the dissemination of, any obscene, seditious or defamatory matter, such Magistrate may (in manner hereinafter provided) require such person to shew cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding twelve months, as the Magistrate thinks fit to fix.'

II. In Schedule II, column 8, in the entry relating to section 124A, after the words "Court of Session" insert the words "Presidency Magistrate or Magistrate of the first class."